



LAWS

OF THE

STATE OF INDIANA,

PASSED AND PUBLISHED AT THE TWELFTH SESSION

OF THE

GENERAL ASSEMBLY,

HELD AT INDIANAPOLIS,

ON THE FIRST MONDAY IN DECEMBER, ONE THOUSAND EIGHT
HUNDRED AND TWENTY-SEVEN.

BY AUTHORITY.

INDIANAPOLIS:

SMITH AND BOLTON, STATE PRINTERS.

1828.

LAWS

OF THE

STATE OF INDIANA.

CHAPTER I.

An act to amend an act entitled an act respecting Apprentices; approved, January 7, 1818.

[APPROVED, JANUARY 5, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That on complaint being made to any justice of the peace, which complaint shall be made on oath, if the justice of the peace before whom the complaint is made shall deem it expedient to administer such oath, and such person complaining shall set forth in his complaint to said justice a specific charge against any master or mistress, as is provided for in the act to which this is an amendment, it shall be the duty of such justice of the peace to issue a summons, summoning such master or mistress to appear and answer to the complaint, and if such master or mistress after being duly served with such summons neglects or refuses to appear, the justice of the peace shall thereupon issue his warrant and cause the body of such master or mistress to be forthwith brought before him, and on the appearance of such master or mistress, either on the summons or the warrant, the justice of the peace shall proceed in the same way and manner prescribed by the act to which this is an amendment.

Complaint against masters to be made on oath.

Summons to issue.

Warrant when to issue.

All recognizances taken by virtue of this act or the act to which this is an amendment, shall be taken in the name of, and payable to the state of Indiana, in any reasonable amount at the discretion of the said justice.

Recognizances how taken.

CHAPTER II.

An act making an appropriation for the completion of the house for the executive of state, and for other purposes.

[APPROVED, JANUARY 21, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the contract made by Samuel Merrill, treasurer of state, and Benjamin I. Blythe, agent of state

Contract ratified. for the town of Indianapolis, as agents for the state, with Austin Bishop, Robert Culbertson, William Smith and William Speaks, for building and completing a brick house on the Governor's circle, for the residence of the executive of state, as specified and expressed in a certain bond or obligation to the state of Indiana, executed by the said Bishop, Culbertson, Smith and Speaks, together with their securities, and bearing date the seventeenth of March, one thousand eight hundred and twenty-seven, and further expressed and exemplified in an article of agreement and bill of particulars, mentioned in the conditions of the above recited obligation, and of equal date therewith; be, and the same is hereby approved of, ratified and confirmed, to all intents and purposes, according to the true expression of the stipulations contained in the obligation and article of agreement aforesaid.

Further appropriation for building Gov's house Sec. 2. That the sum of two thousand and forty dollars be, and the same is hereby appropriated, out of any monies in the state treasury, arising from the sale of lots in the said town of Indianapolis, not otherwise appropriated. The agents aforesaid are authorized and empowered to apply the said sum, in addition to the amount heretofore appropriated for that purpose, in full discharge (on the part of the state) of the contract contained in the writings obligatory aforesaid.

Contract to be filed in sec's office. Sec. 3. It shall be the duty of the agents aforesaid, forthwith after the taking effect of this act, to file in the office of the Secretary of state, the bond, together with the article of agreement described in the first section of this act; and the agents aforesaid shall, when the undertakers of the said building fulfil and complete the contract on their part, endorse thereon their acquittance and discharge from the penalties contained therein. This act to take effect and be in force from and after its passage.

CHAPTER III.

An act making general appropriations for the year 1828.

[APPROVED, JANUARY 24, 1828.]

Appropriation for the legislative department. *Be it enacted by the General Assembly of the State of Indiana,* That there be appropriated for defraying the expenses of the present General Assembly, including the pay of the members, secretaries, clerks, doorkeepers, stationary, fuel, printing, binding and distributing the laws and journals, and making marginal notes and index to the laws, together with all other expenses incident to the present session, the sum of fourteen thousand dollars.

For the executive department, the sum of two thousand Executive. two hundred dollars.

For the judiciary department, the sum of seven thousand dollars.

For the penitentiary, in transporting convicts, the sum Penitent'ry. of five hundred dollars.

For the agent at Indianapolis, two hundred dollars. Agency.

For military expenses one hundred and twenty dollars. Military.

For defraying the contingent expenses of the year one thousand eight hundred and twenty-eight, the sum of three hundred dollars. Contingent expenses.

For the payment of specific allowances, contained in an act making specific appropriations for the year one thousand eight hundred and twenty-eight, which are not embraced in the preceding general appropriations, two thousand dollars. Specific appropriations.

For the payment of wolf scalps, five hundred dollars. Wolf scalps.

This act to take effect and be in force from and after its passage.

CHAPTER IV.

An act making specific appropriations for the year 1828.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the principal and assistant Secretary of the Senate, and the principal and assistant Clerk of the House of Representatives, shall severally be allowed the sum of three dollars and fifty cents per day; and the enrolling Secretary of the Senate, and the enrolling Clerk of the House of Representatives, the sum of three dollars and fifty cents each, per day, for each and every day they may have served as such during the present session: the door-keeper of the Senate, and the door-keeper of the House of Representatives, the sum of two dollars each per day, for each and every day they may have served as such during the present session;

That John Cain be allowed the sum of eight dollars for Cain. a blank book furnished for the use of the Quartermaster General;

That Noah Leverton be allowed the sum of twenty dollars for making shelves in the office of the Secretary of State, for the use of the state; Leverton.

That James C. Caldwell be allowed the sum of twenty dollars for interest which said Caldwell as collector of the Caldwell.

revenue of Clark county for the year 1824, allowed on Treasury notes after the 31st day of January, 1824, and which was not allowed to said collector by the Treasurer of State;

Coffin. That Thomas Coffin be allowed the sum of ten dollars expended by him for making a tube for the salt well at the French Lick;

For a tube at French Lick. That the sum of fifty dollars be appropriated for the purpose of purchasing a cistern and to make a tube two hundred feet long if necessary at the French Lick; and the agent of said French Lick is hereby authorized to contract for, and have such work done as he may think necessary; and the Auditor of State shall audit, and the Treasurer pay, upon the order of said agent for any sum, not exceeding the said sum of fifty dollars so appropriated; the sum so ordered out of any money in the state Treasury not otherwise appropriated;

Bright. That the sum of sixteen dollars and seventeen cents be allowed to Michael G. Bright, for money paid by him to the collector of Scott county, for taxes improperly assessed on lands in said county, which assessment was reviewed, corrected, and the amount so paid, ordered by the board of Justices of said county at the January session, in 1827, to be refunded to said Bright according to law;

Blythe. That Benjamin I. Blythe, the agent of state for the town of Indianapolis, be allowed out of the Indianapolis fund the sum of thirty-four dollars and thirty-five cents, for certain monies advanced by him for the use of the state;

Blythe. That Benjamin I. Blythe be allowed the sum of two hundred and fifty-five dollars and fifty-one cents, for stationary furnished the present General Assembly; and that he be allowed the sum of ten dollars, the amount of his expenses in going to and returning from Cincinnati, to purchase stationary;

Wilson. That John M. Wilson, collector of the state and county revenue of Fayette county for 1822, be allowed the sum of sixteen dollars, the amount paid by him to the editors of the Brookville Enquirer, for publishing the sales of lands for the non-payment of the state and county revenue for said year, and for which amount the said collector received no credit upon his settlement with the Treasurer of state for that year;

Auditor. That William H. Lilly, Auditor of Public Accounts be allowed the sum of forty dollars for office rent incurred by him since the fall of 1825, and previous to the time when he was furnished one by the state;

That Jacob Turner be allowed the sum of three dollars for repairing fire places in the Representatives' Hall, during the present session;

Dye. That Stephen W. Dye be allowed the sum of three dol-

lars for repairing fire places in same during the session of 1826-7;

That William New be allowed the sum of one dollar New. for repairing locks to a room for the use of the Clerks.

That Robert Goudie be allowed one dollar and seventy-five cents, for coal furnished by him for the Speaker's stove;

That Samuel Merrill be allowed the sum of seventy-five dollars and fifty cents for money expended by him in advertising sales of the Seminary lands in Gibson and Monroe counties, and for procuring certain printing relative to said lands to be done, to be paid out of the fund arising from said lands, and that he also be allowed at the rate of three dollars for each thousand of said moneys received by him as Treasurer into the state Treasury;

That he be also allowed the sum of thirteen dollars for stationary for the Treasurer's office, and for his official postage for the year 1827;

That Austin W. Morris be allowed the sum of forty dollars for copying, arranging under proper heads, and preparing for distribution to the several counties a list of relinquished lands in the Jeffersonville land district;

That Allen D. Thom, Daniel C. Lane, and James B. Thom, Lane Slaughter be allowed the sum of fifty dollars each for money paid by them to the state of Indiana on a judgment in favor of the state in the Harrison Circuit Court, against Dennis Pennington and others, which judgment has been reversed by the Supreme Court of this state;

That William W. Wick Secretary of State be allowed the sum of thirty dollars for services rendered by him in examining the State Prison, and for travelling to Jeffersonville to make a contract with the superintendant of said prison;

To same, for services to be rendered by him in copying the acts and joint resolutions of the present session, superintending the printing of the same, making notes and index thereto, and for packing up for distribution the laws and journals of the present session, the sum of one hundred dollars;

That John Milroy be allowed the sum of twelve dollars for services rendered by him as one of the committee appointed by the Executive of the State during the last summer, to inspect the State Prison;

That Henry S. Handy be allowed the sum of ten dollars for services rendered by him as one of the above named committee;

That John Kooch be allowed the sum of twenty-five dollars for apprehending and conveying to the State Prison John Adamson a convict who had escaped from the State Prison;

- Lathram. That Sampson Lathram for certain services rendered the present General Assembly be allowed the sum of one dollar and twelve and one half cents;
- Thornton. That William C. Thornton be allowed the sum of four dollars for repairing chairs and locks, for the use of the Representatives' Hall;
- State library. That the sum of one hundred dollars be, and the same is hereby appropriated for the increase of the state Library;
- Luce. That Fleming T. Luce be allowed twenty dollars for a table for the use of the President of the Senate and for sundry repairs made to the Senate chamber, and furniture thereof;
- Hand. That Charles I. Hand be allowed eight dollars and fifty cents for chairs purchased for the use of the Senate;
- Patterson. That Robert Patterson be allowed fifty dollars and thirty-five cents for fuel furnished the two Houses of the General Assembly during the present session;
- That the Secretary of State be allowed the sum of sixteen dollars for compensation for services performed by him in compliance of a resolution of the Senate, adopted on the 12th December, 1826;
- Smith. That James Smith of Gibson county be allowed the sum of twenty-five dollars for superintending the Seminary township in said county, to be paid out of the money arising from the sale or rents of said township;
- Spencer. That John Spencer, Collector of Dearborn county be allowed fifty-three dollars and thirty-four cents for interest on Treasury notes;
- Speaker. That Harbin H. Moore be allowed one dollar for postage paid by him on papers directed to the Speaker of the House of Representatives;
- Rooker. That Samuel Rooker be allowed three dollars and thirty-four cents for lights furnished and glazing done to the Hall of the House of Representatives during the present session.

CHAPTER V.

An act supplemental to the act, entitled an act regulating the admission and practice of attornies and counsellors at law; approved, January 31, 1824.

[APPROVED, DECEMBER 28, 1827.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That in all cases where any attorney or counsellor at law, shall have heretofore collected, or shall here-

after collect for his employer any money, and shall neglect to or refuse to pay the same over, on being requested so to do, by any person authorized to receive the same, it shall be lawful for such person, his agent, or attorney, to file in the clerk's office of the circuit court where such collection was made, charges against such attorney and counsellor at law, setting forth therein the amount of money collected, and from whom the same was collected; and shall forthwith notify such attorney and counsellor at law, of his intention to file such charges: which said charges shall be filed as aforesaid, and notice thereof given as above directed, at least ten days before the sitting of the court before whom such charges are to be tried.

Sec. 2. That if such court, on hearing the allegations and proofs submitted to them by the parties, shall be of opinion that such attorney and counsellor has collected money, as such attorney and counsellor, and, after reasonable request, had refused to pay the same over to the person authorized to receive the same, such court shall suspend such attorney or counsellor at law from the practice of law in any of the courts of this state, for any length of time in the discretion of said court: *Provided however,* that any succeeding circuit court holden in and for the county where such judgment of suspension shall have been entered up, may revoke the same, and reinstate such attorney or counsellor at law in all the privileges taken from him by such suspension: *And provided also,* that such attorney or counsellor at law shall be permitted to retain in his possession a reasonable fee for his services as such, together with all costs and charges by him expended for and on behalf of his employer. Any attorney or counsellor at law having collected money, as aforesaid, and having refused to pay the same over to any person authorized to receive the same, within a reasonable time after request, shall pay to the person authorized to receive the same, ten per centum; in addition to the sum so collected and withheld as aforesaid.

CHAPTER VI.

An act to amend the act concerning the auditor of public accounts and treasurer of state.

[APPROVED, JANUARY 17, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the quarterly allowances of all salary officers in this state, shall hereafter be made payable on the accounts.

first days of March, June, September and December of each year.

Provision for fractional quarters. Sec. 2. Whenever any public officer shall come into office between the times named in the first section of this act, it shall be the duty of the auditor to audit, and the treasurer to pay such officer such fractional quarter, up to the commencement of the next regular quarter; and when any officer shall go out of office, his account shall be audited and paid in like manner.

This act to take effect and be in force from and after the first day of March next.

CHAPTER VII.

An act to establish a canal to connect the navigable waters of the Wabash river with the navigable waters of the Miami of Lake Erie.

[APPROVED, JANUARY 5, 1828.]

Donation accepted. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the grant of land made to the state of Indiana, by a certain act of the Senate and House of Representatives of the United States of America in Congress assembled, approved the second of March, one thousand eight hundred and twenty-seven, entitled an act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said state in opening a canal to connect the waters of the Wabash river with those of Lake Erie, be, and the same is hereby accepted.

Commissioners to be elected. Sec. 2. That a board of commissioners be organized, to be known and designated as the board of commissioners of the Wabash and Miami canal, and to consist of three commissioners, who shall be elected by joint ballot of the Senate and House of Representatives, and shall serve two years, and until their successors are elected and qualified, unless superseded by other commissioners appointed by the Legislature. The said commissioners, before they enter upon the duties of their office, shall take an oath faithfully to discharge the duties thereof; and any two of them shall compose a board of commissioners, and have full power and authority to act as such, and that the Governor of this state have full power and authority to supply any vacancy in such board, which may occur during the recess of the Legislature: *Provided,* that the person or persons so appointed shall hold his or their office until the termination of the ensuing session of the Legislature, and no longer.

Their term of service and qualification.

Sec. 3. Whenever the chief of the brigade of the United States' engineers, employed in making the survey of the line of the canal to connect, at navigable points, the waters of the Wabash river with those of Lake Erie, shall make his report, it shall be the duty of the Governor of this state, to furnish the board of commissioners with a copy of the report, and with all the information in his possession on the subject.

To be furnished with report by Governor.

Sec. 4. It shall be the duty of the board of commissioners, immediately upon receiving a copy of the report above mentioned, to locate the canal upon such point on the Wabash river, to such point on the Miami of Lake Erie, and within the state of Indiana, as may by them, according to said report, be selected.

To locate canal.

Sec. 5. That so soon as the canal shall be located as above is provided, and it shall be practicable to do so, the board of commissioners shall ascertain the particular lands to which the state may be entitled, under the provisions of the above named act of Congress, and shall ascertain the quantity, quality and probable value of the same: *And further,* the board of commissioners shall examine whether, at the commencement, along the line, or at the termination of the canal, and upon the lands of the state, there are any situations proper and advantageous for the location of towns; and whether there are any and what water privileges, and the value thereof; and also what facilities to procure materials are afforded on the route of the canal; and particularly whether any and what difference of expense in the formation of locks will be made by the employment of wood or brick, instead of stone.

To select the donated lands.

Sec. 6. If the report of the chief engineer shall not furnish full and complete estimates of the expense of making the canal, or any part thereof, it shall be the duty of the board of commissioners to procure such estimates.

Sec. 7. Whenever the probable expense of the formation of the canal and value of the land shall be known, it shall be the duty of the board of commissioners, to ascertain whether funds can be procured sufficient to complete the canal, and upon what terms, and more especially, whether such funds can be procured upon the pledge of the proceeds of the land and canal.

To ascertain if funds can be obtained on pledge of donation.

Sec. 8. That it shall be the duty of the board of commissioners to report all their proceedings, and all such information as they may obtain, to the General Assembly, during the first week of their annual session in each year. The commissioners shall receive two dollars each for every day they may be necessarily engaged in discharging the duties assigned them by this act, to be paid out of the debt due from the state to the road and canal fund, and

Their compensation.

two thousand dollars of said fund be, and the same are hereby appropriated, for the payment of the same; and the said commissioners are empowered to obtain, from the secretary of state, copies of any maps, charts, or documents deposited in his office, relating to their duties.

To keep a record of proceedings

Sec. 9. And said board of commissioners are hereby required to procure proper, sufficient and well bound books, in which they shall cause to be recorded, in a fair, legible, and proper manner, all their surveys, plats and proceedings, together with all their estimates and reports; and are hereby authorized to employ a clerk, and such surveyors, chain bearers and markers, as they may need, on the best terms they can procure them, and duly record, as aforesaid, all such contracts and the amount of money so expended; and those surveyors, chain bearers, markers and clerk, shall be paid by the state, out of the same fund provided for the payment of such commissioners.

This act to take effect and be in force from and after its passage.

CHAPTER VIII.

An act attaching a portion of vacant territory to the county of Floyd, lying adjoining to the said county.

[APPROVED, JANUARY 5, 1828.]

Certain territory attached to Floyd county. *Be it enacted by the General Assembly of the state of Indiana,* That all that territory which is included in the following lines, viz: beginning at the corner of sections numbered twenty-three, twenty-four, twenty-five and twenty-six, in township numbered one, south of range numbered four, east, in the district of land sold at Jeffersonville; thence north one mile, to the corner of sections numbered thirteen, fourteen, twenty-three and twenty-four; thence east, according to the true meridian, on the exterior line of the county of Washington, to the exterior line of the county of Clark; thence with said line of Clark county, southward, to the intersection thereof with the northern boundary of the county of Floyd, and with the said last mentioned boundary to the place of beginning, shall be and constitute a part of the county of Floyd, both for criminal and civil jurisdiction.

This act to take effect and be in force from and after its passage.

CHAPTER IX.

An act establishing the boundary line of Decatur county.

[APPROVED, JANUARY 24, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That hereafter the county of Decatur shall be bounded as follows, to-wit: Beginning at the south west corner of section eighteen, in township numbered eight, north of range eight, east of the second principal meridian; thence north fifteen miles, to the north-west corner of section six, in township numbered ten, north of range numbered eight, east, thence east three miles to the south-east corner of section thirty-three, in township numbered eleven north, of range numbered eight east; thence north seven miles to the north-west corner of section thirty-four, in township numbered twelve north, of range numbered eight east; thence east eighteen miles to the west boundary of Franklin county; thence south with said boundary line to the north line of Ripley county; thence with the old boundary line to the north line of Jennings county; and thence west with the Jennings county line to the place of beginning.

Boundaries of Decatur described and established.

This act to take effect and be in force from and after its passage.

CHAPTER X.

An act to attach certain territory to the counties therein named.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all the territory included in the following boundaries, viz: Beginning at the north-west corner of section eighteen, in town seventeen north, range two west, being the north west corner of Hendricks county; thence east twenty-four miles, to the south-west corner of Hamilton county; thence north, with the western boundary thereof, to the centre of town twenty; thence west, with the central section line of said town, to the eastern boundary of Montgomery county; thence south, with said boundary, to the place of beginning, shall be attached to Hendricks county; except so much as is already attached to the county of Marion, for civil and criminal jurisdiction.

Boundaries of Hendricks enlarged.

Sec. 2. The territory included within the following bounds, to-wit: Beginning on the eastern boundary line of

Tippecanoe
extended.

Tippecanoe county, at the point where the central section line of town. twenty-three, north, intersects the same; thence east with said line, (it being the southern boundary of Carroll county,) twenty-four miles, to the range line dividing ranges two and three, east of the second principal meridian; thence south, with said line, eighteen miles to the centre of town. twenty; thence west with the sectional line to the range line dividing ranges two and three west; thence north, with said line, to the place of beginning, is hereby attached to Tippecanoe county, for civil and criminal jurisdiction.

Carroll en-
larged.

Sec. 3. The territory included in the following boundaries, to-wit: Beginning on the western boundary of the Great Miami reservation, at the point where the central section line of town. twenty-five, north, intersects the same; thence east on said central section line, to the eastern boundary of the Great Miami reservation; thence north, with the eastern boundary line of the Great Miami reservation, and a line in continuation of the same, to a point where such line will intersect the Indian boundary; thence south-westerly, with the said boundary, to the centre of range three, west of the second principal meridian; thence south, with the central line of said range, to the northern boundary of Carroll county; thence with the boundary of said county to the place of beginning, shall be attached to Carroll county for civil and criminal jurisdiction.

Delaware
extended.

Sec. 4. All the country immediately north of the county of Delaware, to the township line dividing townships twenty-five and twenty-six, and west to the Great Miami reservation, is hereby attached to the said county of Delaware.

Sec. 5. The territory by this act attached to the said several counties, shall form and constitute a part of the counties to which the same is attached, until otherwise provided by law, and the citizens residing in said attached territory shall enjoy all the rights and privileges of the citizens of the county to which they are attached.

Tippecanoe
and Carroll
extended as
to jurisdic-
tion.

Sec. 6. And all the country north of the counties of Tippecanoe and Carroll, and west of the second principal meridian, to the northern boundary of the state, and not otherwise attached, shall be attached to the counties of Tippecanoe and Carroll, with concurrent civil and criminal jurisdiction, and all east of the second principal meridian line, and north to the northern line of the state, shall be attached to the county of Allen, for civil and criminal jurisdiction.

Allen.

This act to take effect and be in force from and after its passage.

CHAPTER XI.

An act attaching a certain territory to the counties therein named.

[APPROVED, JANUARY 16, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the territory included in the following bounds shall be attached to and form a part of the county of Jackson; beginning on the line dividing the counties of Jackson and Bartholomew at a point where the line dividing ranges three and four, east of the second principal meridian intersects the same, thence north with said line three miles to the north-east corner of town seven, thence west with the line dividing towns seven and eight to the line of Monroe county; thence south to the line of Jackson county, thence east to the place of beginning.

Boundaries
of Jackson
extended.

Sec. 2. *Be it further enacted,* That the territory included in the following bounds shall be attached to and form a part of the county of Monroe, to-wit: Beginning at a point on the line dividing towns seven and eight where the line dividing sections thirty and thirty-one intersects the same, thence north with said last mentioned line to the line dividing the counties of Bartholomew and Johnson, thence west with said line to the north-east corner of Monroe county, thence south to the line dividing towns seven and eight, thence east with the last mentioned line to the place of beginning.

Boundaries
of Monroe
extended.

Sec. 3. And all the residue of the territory lying west of Bartholomew county and east of Monroe county which has not been attached to the counties of Jackson or Monroe by this act, shall be and the same is hereby made a part of the county of Bartholomew, to all intents and purposes, and the territory hereby attached to the several counties of Jackson, Monroe and Bartholomew, shall enjoy all the rights and privileges of the citizens of the respective counties.

Boundaries
of Bartholo-
mew exten-
ded.

Sec. 4. All pleas, complaints, actions or proceedings, either in law or equity which may have been commenced or instituted by or against any of the inhabitants of said territory in the county of Bartholomew prior to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner as if this act had not passed.

CHAPTER XII.

An act to provide for the relocation of the seat of justice of Martin county and extending the boundaries thereof.

[APPROVED, JANUARY 24, 1828.]

Comm's. appointed to relocate the seat of justice of Martin. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Murphy and Friend Spears of Daviess county, William Hoggatt of Orange county, and Simon Morgan of Dubois county, and Robert M. Carlton of Lawrence county, be and they are hereby appointed commissioners to relocate the seat of justice of Martin county. The commissioners aforesaid, or a majority of them, shall meet at the Clerk's office in the town of Hindostan, on the second Monday in March next; or if a majority fail to meet on that day, then on any day afterwards that a majority of those present may agree upon, after notice thereof has been given to the absent commissioners by the Sheriff of Martin county, and after being duly sworn faithfully and impartially to discharge their duties as commissioners, shall examine into the situation of said county, and if a donation can be procured, which in their opinion will, together with the probable amount of the sale of lots which may belong to the county at such new county seat, be sufficient to defray the expenses of erecting good and sufficient public buildings suitable for said county; and if in their opinion it will be more to the advantage and interest of the people of said county, they shall procure said donation to be made, and shall then proceed to relocate the seat of justice for said county.

Their duties Duties of the agent. Sec. 2. If the commissioners aforesaid shall relocate the said county seat, it shall then be the duty of the agent of said county to lay off the said town on a plan as nearly similar as may be with the town of Hindostan, and with a corresponding number of lots; and any and every person who shall or may have purchased of said county or the authorized agent thereof, and paid for any lot or lots, in whole or in part, on completing the payment for the same in the town of Hindostan, shall have the privilege of exchanging the same for other lot or lots correspondingly situated and numbered in the new town that may be laid off by the said commissioners, by filing and acknowledging before the recorder of said county, an application for such exchange, and the same shall be entered on record by the said recorder, at the expense of the county, which [person] shall pay to the recorder therefor fifty cents; and the same shall have the effect of an absolute release of all the right, title, and interest of such applicant, in and to such lot or lots; and it shall be the duty of the agent on being presented with the recorder's certificate of such re-

Lots in the seat of justice how disposed of.

linquishment and application, to give to the applicant a good and sufficient warranty deed of the lot or lots in the new town, which shall be in a corresponding number with the lot or lots relinquished in Hindostan: *Provided*, That the applications for such exchanges shall be made within twelve months after the relocation of said county seat.

Sec. 3. The commissioners aforesaid, or a majority of them, after having determined on a relocation of said seat of justice, shall make an estimate of the value of each and every lot in said town, sold as aforesaid by said county or its agent, on which any building or buildings are erected, and how much less valuable such lot and building or buildings will become by the removal of the seat of justice therefrom, which they shall certify to the board of justices of said county, under their hands and seals, and the said board of justices shall cause such certificate to be entered in their records, and the said board of justices shall cause the differences in value, caused by the removal of the county seat, of such lots and buildings, to be refunded to the owner, or owners of such lots and buildings or to his or their legal representatives.

Further duties of commissioners. Duty of the board of justices in the premises.

Sec. 4. As soon as the board of county justices shall be satisfied that suitable public buildings are procured for holding courts, and for other county purposes, they shall direct the Clerk of the Circuit Court and Recorder of said county, to remove their offices to the new seat of justice: And from that time the Circuit Court and all other Courts of said county shall be held there, and the seat of justice shall forever remain at the new site.

Further duty.

Sec. 5. The agent for said county shall reserve ten per cent. out of the proceeds of the sales of such lots, as may be sold for the use of the county at the said relocated county seat, for the use of a county library, which shall be paid over in the same manner as is now provided for by law.

Provision for library.

Sec. 6. It shall be the duty of the Sheriff of Martin county, to notify the commissioners aforesaid of the time and place hereby appointed for them to meet, for which he shall be allowed by the board of justices aforesaid, a reasonable compensation. And the aforesaid commissioners shall be compensated and in all respects governed by the provisions of an act entitled "an act to establish seats of justice in new counties," approved, January 14, 1824, and all the amendments thereto now in force, so far as they are not inconsistent with this act.

Com's how notified. And compensated.

Sec. 7. The congressional townships numbered five north of ranges three and four west of the second principal meridian, as attached until otherwise directed by law to Daviess county, by the act relative to county boundaries approved, Jan. 31, 1824, shall hereafter be and the same

Boundary of Martin extended.

are hereby attached to the county of Martin, to remain a component part of said county for all civil, judicial, and other purposes whatsoever; but all suits, pleas, complaints, actions and prosecutions, of whatever nature or kind, pending at the time this act takes effect, shall be carried into final judgment in the same manner as if no change in relation to said townships had taken place.

This act shall take effect and be in force from and after its publication in the Indianapolis Gazette.

CHAPTER XIII.

An act supplemental to an act entitled an act changing the mode of doing county business in certain counties therein named; approved, January 26, 1827.

[APPROVED, JANUARY 5, 1828.]

When the qualified electors have failed to elect township officers the board of commiss'rs to appoint. Extended to Sullivan, Morgan and Hamilton. When commissioners to meet.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That in any of those counties where the qualified electors have failed to elect their township officers, as is provided for in the sixteenth section of the above recited act, or who shall refuse or neglect hereafter in any or all of the townships so to do, the board of commissioners then and in that case shall proceed to appoint all the officers necessary in such township or townships.

Sec. 2. *Be it further enacted*, That the provisions of this act, and the act to which this is a supplement, be and the same are hereby extended to the counties of Sullivan, Morgan and Hamilton.

Sec. 3. The meetings of the commissioners, as required in the fifth section of the act to which this is a supplement, shall hereafter take place on the first Mondays in January and May, and on the second Mondays in August and November.

Sec. 4. That the thirteenth section of an act to regulate the mode of doing county business, approved, January 31, 1824, be and the same is hereby repealed, and declared to be of no effect in those counties wherein three commissioners constitute the board for doing county business.

CHAPTER XIV.

An act supplemental to an act to provide for carrying the laws into effect in new counties.

[APPROVED, DECEMBER 28, 1827.]

Be it enacted by the General Assembly of the state of Indiana, That in all contests of elections for county and township officers, at their first election in new counties, hereafter to be laid off, it shall be lawful for such contested election to be decided at the nearest county seat to the county where such contested election originated. And the commissioners or persons doing county business in the county where such contest is to be tried, are hereby authorized to hear and determine the same, which shall be governed by the law regulating general elections, except the county commissioners or persons doing county business, when called together to receive testimony of contested elections shall be judges to decide the contested election of such county or township officers aforesaid.

Contested elections for county and township officers to be decided at the nearest county seat.

CHAPTER XV.

An act to organize the county of Hancock.

[APPROVED, DECEMBER 24, 1827.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first day of March next, the county of Hancock shall enjoy the rights and jurisdiction, which to separate and independent counties do or may properly belong.

Organization of Hancock county.

Sec. 2. That Levi Jessup of the county of Hendricks, James Smock of the county of Johnson, Richard Blackledge of the county of Rush, John Anderson of Henry county, and Thomas Martin of Marion county, be and they are hereby appointed commissioners for the purpose of fixing the permanent seat of justice of said county of Hancock, agreeably to the provisions of an act to fix the seats of justice in new counties, approved, January 14, 1824, and the act amendatory of the same, approved, December 19, 1825. The commissioners above named, or a majority of them shall convene at the house of Samuel J. B. Jackson, in said county, on the first Monday in April next or so soon thereafter as a majority shall agree.

Commissioners named to fix the seat of justice.

Sec. 3. It shall be the duty of the Sheriff of Henry county, on or before the 15th day of March next, to notify the commissioners above named, either in person or by writ-

When and where to meet.

ing of their said appointment, and of the time and place when and where they are to convene, and the Court doing county business shall allow him a reasonable compensation for his services out of any monies in the Treasury of said county of Hancock.

Sec. 4. The circuit and other courts of the county of Hancock shall be held at the house of said Samuel J. B. Jackson, until suitable accommodations can be had at the county seat, and the said courts may adjourn thereto, or to any other place in said county if they think proper.

Provision
for a county
library.

Sec. 5. The agent who shall be appointed to superintend the sale of lots at the county seat of the county of Hancock, shall reserve ten per cent. out of the proceeds thereof, and out of all donations to said county, and pay the same over to such person or persons as may be appointed by law, for the use of a library for said county, which he or his successor shall pay over at such time and in such manner as shall be directed by law.

Election of
officers.

Sec. 6. It shall be the duty of the qualified voters of the said county of Hancock, at the time of electing the officers for said county, to elect three commissioners within and for said county, who shall constitute a board for transacting county business, and do and perform all the duties heretofore devolving on the board of county commissioners in organizing new counties. And said persons so elected shall hold their offices in the same manner and under the same restrictions as are prescribed by an act to establish a board of county commissioners, approved, January 31, 1824.

Sec. 7. The said commissioners when so elected and qualified into office, shall have the power to hold special sessions, and to do and perform at such special sessions any acts which may have been required by law to be done at any previous regular session or sessions of the court doing county business.

Sec. 8. The fifth and seventh sections of the act for the relocation of the seat of justice of the county of Madison, and for the formation of the county of Hancock, be and the same are hereby repealed.

Sec. 9. This act to take effect and be in force from and after the first Monday in March next.

CHAPTER XVI.

An act for the formation of the county of Carroll.

[APPROVED, JANUARY 7th, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That from and after the first day of May next, all that part of the county of Wabash, contained within the following boundaries, to-wit: beginning at the north west corner of township numbered twenty-four north, range two west of the second principal meridian; thence south nine miles to the centre of township numbered 23; thence east 17 miles to the western boundary of the great Miami reservation; thence north with said boundary eighteen miles to the centre of township numbered twenty-six; thence west eight miles to the south-east corner of section sixteen, range one west; thence north three miles to the township line dividing townships twenty-six and twenty-seven; thence west thirteen miles to the section line, dividing sections four and five, range three west; thence south with said sectional line, twelve miles to the northern boundary of Tippecanoe county; thence east four miles to the place of beginning, shall form and constitute a county, to be known and designated by the name and title of CARROLL, in honor of Charles Carroll, of Carrollton, the only surviving signer of the Declaration of Independence, and the boundary line of the county of Tippecanoe, on the east and north, so far as it divides that county from the county of Carroll, is hereby established and to be deemed and taken as unalterable, unless by common consent of the boards authorized by law to transact county business in the counties of Tippecanoe and Carroll respectively.

Formation
of the coun-
ty of Car-
roll and its
boundaries.

Sec. 2. The said new county shall, from and after the first day of April next, enjoy all the rights, privileges and jurisdictions which to separate and independent counties appertain.

Sec. 3. That Samuel Jessup, of Hendricks county, Asa Comm's B. Strong, of Marion county, Frederick Moore, of Montgomery county, Enos Lowe, of Putnam county, and Josiah Bryant, of Fountain county, are hereby appointed commissioners for the purpose of fixing the seat of justice, in said new county, agreeably to the provisions of an act entitled an act for fixing the seats of justice, in all new counties hereafter to be laid off. The commissioners above named, or a majority of them, shall convene at the house of Henry Robinson, in said new county, on the second Monday in May next, and shall proceed to discharge the duties assigned them by law.

To fix the
seat of jus-
tice.

When and
where to
meet.

Sec. 4. It shall be the duty of the sheriff of Montgomery county to notify the commissioners herein above named, either in person or by written notification, of their

appointment, on or before the tenth day of April next; and for such service the board of justices, or persons doing county business of the said new county, shall allow him a reasonable compensation out of the county treasury thereof.

Sec. 5. The circuit and other courts of said new county, shall be held at the house of Daniel Baum, or at any other place therein, to which the said courts may adjourn, until suitable accommodation can be had at the seat of justice thereof, when the courts shall adjourn to meet at said county seat.

Provisions for a library.
Sec. 6. The agent who shall be appointed to superintend the sale of lots at the county seat of said new county of Carroll, shall reserve ten per centum out of the proceeds thereof, and also ten per centum out of all donations to said county, and shall pay the same over to such person or persons as may be appointed according to law to receive the same, for the use of a county library for said new county.

Election of officers.
Sec. 7. It shall be the duty of the qualified voters of the county of Carroll, at the time of electing a clerk, recorder, and associate judges, to elect three county commissioners, agreeably to the provisions of an act entitled "an act to establish a board of county commissioners;" approved, January 30, 1824; who, when elected and qualified as prescribed by said act, shall have all the powers, and perform all the duties prescribed by said act; which act is hereby revived, and to be deemed and taken as in full force as relates to said county of Carroll; and also said board of commissioners shall have all the powers and perform all the duties prescribed by law, as relates to boards of justices in the several counties. Said commissioners shall have power to hold special sessions, and to do and perform any duties required at any previous regular session.

This act to take effect and be in force from and after the first day of April next.

CHAPTER XVII.

An act to authorize the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state.

[APPROVED, JANUARY 14, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be and is hereby made the duty

of the inspectors and judges of elections, in the several townships within each county in this state, at the annual elections, on the first Monday in August next, to open a poll in pursuance of the eighth article of the constitution of this state, in which shall be entered all the votes given for and against a convention, and the clerks of the circuit courts are hereby required, when they make out poll books for the inspectors of elections, to extend two additional columns for that purpose.

Sec. 2. It is hereby made the duty of the inspectors and judges aforesaid, at the time they announce the name of the voter to their clerks, to put the question in the following words, "are you in favor of calling a convention or not?" and the clerks of said election, shall enter the votes on the poll books, in the proper columns accordingly; and the inspectors and judges shall certify the votes given for and against a convention to the clerks of the circuit courts respectively, in the same way and manner, and under the same restrictions and penalties that votes for state and county officers are required to be certified.

Sec. 3. It shall be the duty of the clerks of the circuit courts throughout this state, to certify and make returns of all the votes given for and against a convention, to the Secretary of state, in the same way and manner that votes given for Governor and Lieutenant Governor are required by law to be certified, and subject to the same penalties for a neglect of duty. It shall be the duty of the Secretary of state to lay before the next General Assembly, on the second Monday in December next, all the returns by him received, pursuant to the provisions of this act.

Question to be put to voters

Clerk to make return.

CHAPTER XVIII.

An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein.

[APPROVED, JANUARY 24, 1828]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the courts in the fifth judicial circuit, shall be held on the following days, to-wit: in the county of Hendricks, on the Thursdays next succeeding the second Mondays in February and August; in the county of Morgan, on the third Mondays in February and August; in the county of Monroe, on the fourth Mondays in February and August; in the county of Bartholomew, on the first Mondays in March and September; in the county of Johnson,

Times of holding courts in 5th circuit.

on the second Mondays in March and September; in the county of Marion, on the third Monday in March and September; in the county of Hancock, on the fourth Mondays in March and September; in the county of Shelby, on the Wednesdays next succeeding the courts in the county of Hancock; in the county of Decatur, on the fifth Mondays in March and September; in the county of Rush, on the first Mondays in April and October; in the county of Henry, on the second Mondays in April and October; in the county of Madison, on the Thursdays next succeeding the courts in the county of Henry; in the county of Hamilton, on the third Mondays in April and October. The courts in the counties of Morgan, Monroe, Bartholomew, Johnson, Marion, Decatur, Rush and Hamilton, shall severally sit six days, if the business require it; in the county of Shelby, four days, if the business require it; in the counties of Hendricks, Henry, and Madison, three days each, if the business require it; and in the county of Hancock, two days, if the business require it.

Times of
holding in
Warren.

Sec. 2. *Be it further enacted*, That the county of Warren be attached to, and form a part of the first judicial circuit; and the courts shall sit in said county, on the Thursdays succeeding the commencement of the courts in the county of Fountain, and shall continue in session three days at each term, if the business shall require it.

Times of
holding in
part of the
first circuit.

Sec. 3. That the terms of the courts in the county of Tippecanoe, shall be holden on the first Mondays in May and October; in the county of Montgomery on the Thursdays succeeding the commencement of the courts in Tippecanoe; in the county of Putnam, on the second Mondays of May and October; in the county of Clay on the Thursdays succeeding the commencement of the courts in Putnam county; in the county of Owen, on the third Mondays of May and October; in the county of Green, on the fourth Mondays of May and October.

In Scott.

Sec. 4. That the circuit courts, in the county of Scott, in the second judicial circuit, shall be holden on the first Monday in March, and third Monday in July, and sit six days at each term, if the business require it.

In Dela-
ware and
Allen.

Sec. 5. That the county of Delaware be, and the same is hereby attached to the third judicial circuit, and the courts shall sit at Monsetown, the seat of justice of said county, on the third Mondays of May and November, and the circuit courts for the county of Allen, shall hereafter sit on the second Mondays of May and November, in each year.

Sec. 6. That the county of Carroll be, and the same is hereby attached to, and shall hereafter form a part of the fifth judicial circuit; and the circuit courts thereof shall be holden on the Thursdays after the first Mondays in May

and November in each year, and shall sit three days at each term, if the business require it.

Sec. 7. All suits, pleas, writs, prosecutions and recognizances whatsoever, which by virtue of any law heretofore in force, were continued or made returnable to any other day or time than the days or times herein specified for holding circuit courts, are hereby continued to, and returnable at the days and times herein named for holding the circuit courts. And all acts and parts of acts contravening the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its publication in the Indianapolis Gazette.

CHAPTER XIX.

An act to divorce Sarah Pattengill from her husband, James Pattengill.

[APPROVED, JANUARY 16, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That the banns of matrimony heretofore entered into by Sarah Pattengill, formerly Sarah Markle, and James Pattengill, be, and the same are hereby dissolved; and that the said Sarah be, and she is hereby appointed sole guardian of her infant son, Markle Pattengill.

Sarah Pat-
tengill di-
vorced.

This act shall take effect and be in force from and after its passage.

CHAPTER XX.

An act to divorce Nancy Maddox from her husband, David Maddox.

[APPROVED, JANUARY 21, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That the banns of matrimony heretofore solemnized between David T. Maddox and Nancy Maddox, formerly Nancy Leonard, be and the same are hereby dissolved, and the said Nancy Maddox is hereby constituted and appointed to be sole guardian of her infant children.

Nancy Mad-
dox divorc-
ed.

CHAPTER XXI.

An act to dissolve the banns of matrimony between John C. Brown and Polly Brown, his wife.

[APPROVED, JANUARY 17, 1828.]

J. C. Brown divorced. *Be it enacted by the General Assembly of the state of Indiana,* That the marriage contract heretofore existing between John C. Brown, now of Spencer county, in this state, and his wife Polly Brown, formerly Polly Jackson, shall be, and the same is hereby dissolved.

CHAPTER XXII.

An act to divorce Elizabeth and Reuben Stout.

[APPROVED, JANUARY 24, 1828.]

E. Stout. *Be it enacted by the General Assembly of the State of Indiana,* That the banns of matrimony heretofore contracted between Elizabeth Stout, formerly Elizabeth Carr, and her husband Reuben Stout, be and the same is hereby dissolved.

This act to take effect and be in force from and after its passage.

CHAPTER XXIII.

An act to divorce certain persons therein named.

[APPROVED, JANUARY 24, 1828.]

M. Corbin. Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the banns of matrimony heretofore existing between Margaret Corbin, and her husband Edward Corbin, be, and the same are hereby dissolved.

S. Rose. Sec. 2. That the banns of matrimony heretofore existing between Sally Rose, and Edward W. Rose, be, and the same are hereby dissolved; and the said Sally is hereby appointed sole guardian of her infant children.

This act to take effect and be in force from and after its passage.

CHAPTER XXIV.

An act to amend an act entitled, "an act to provide for the election of electors of President and Vice President of the United States.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the state of Indiana shall be divided into five return districts, to-wit: The counties of Knox, Sullivan, Green, Owen, Vigo, Parke, Vermillion, Montgomery, Fountain, Warren, Putnam, Tippecanoe and Carroll, to compose the first district; the counties of Scott, Jefferson, Jennings, Jackson, Monroe, Lawrence, Washington, Orange, Floyd and Clark, to compose the second district; the counties of Allen, Adams, Randolph, Delaware, Wayne, Union, Fayette, Franklin, Dearborn, Switzerland and Ripley, to compose the third district; the counties of Dubois, Pike, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry, Martin, Crawford, Harrison and Daviess, to compose the fourth district; and the counties of Morgan, Johnson, Shelby, Bartholomew, Decatur, Rush, Henry, Madison, Hancock, Marion, Hamilton and Hendricks, to compose the fifth district. Return districts.

Sec. 2. That the eighth section of an act to which this is an amendment, be, and the same is hereby repealed; and the ninth section of an act to which this is an amendment, shall be deemed and taken to be applicable to this act.

CHAPTER XXV.

An act supplemental to an act, entitled an act, to amend an act entitled an act, to provide for the election of electors of President and Vice President of the United States; approved, January 23, 1828.

[APPROVED, JANUARY 24, 1828.]

Be it enacted by the General Assembly of the State of Indiana, That the county of Clay shall be annexed to, and ed to the 1st district. Clay attached to the 1st district.

CHAPTER XXVI.

An act to extend an act, entitled an act, to provide for recording brands, ear marks and for posting estrays in the counties therein named, and for other purposes; approved, January 24, 1827.

[APPROVED, JANUARY 14, 1828.]

The act extended to Ripley.

Be it enacted by the General Assembly of the state of Indiana, That the act entitled an act to provide for recording brands, ear marks, and for posting estrays, in the counties therein named, and for other purposes, approved, January 24th, 1827, be, and the same is hereby extended to the county of Ripley, and deemed to have the same force and effect within said county, as it would have had, had the said county been named and included in the act aforesaid.

CHAPTER XXVII.

An act directing the mode of suing out, and prosecuting writs of habeas corpus.

[APPROVED, JANUARY 12, 1828.]

Mode of proceeding upon the suing out of writs of habeas corpus.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter upon petition, verified by affidavit, made to any judge of the Supreme or Circuit Courts in this state, by or on behalf of any person supposed to be illegally imprisoned, or detained in custody, it shall be the duty of such judge, to endorse an order upon the said petition, directing the Clerk of the Circuit Court of the proper county, to issue the writ of habeas corpus; and upon the filing of said petition and order in the office of the Clerk, it shall be his duty to issue such writ, under the seal of the court, and make the same returnable immediately, before the judge making such order.

Rule of decision by the judge.

Sec. 2. Upon the return of the writ before the judge ordering the same, together with the body of the petitioner, and the cause of his detention, it shall be his duty to examine the warrant of commitment, or other cause of detention, and if it shall manifestly appear, that the prisoner is illegally or unjustly detained, he shall order him forthwith to be discharged: *Provided however,* That if it shall appear to the judge, by affidavit or otherwise, or upon inspection of the warrant of commitment, or other cause of detention, that the prisoner is guilty of an offence, or ought not to be discharged, although the same may be defectively, informally, or unsubstantially set forth in the warrant

of commitment, it shall be his duty to issue his warrant under his hand and seal, to cause to come forthwith before him, the original complainant, or other necessary witnesses; and upon their examination he shall discharge, hold to bail, if the offence be bailable, remand or recommit the prisoner as to him shall seem just.

Sec. 3. It shall be the duty of the judge to return said writ, together with an endorsement of his proceedings and final order thereon, to the office from whence it was issued: and in all cases where he shall be let to bail, it shall be his duty to take the necessary recognizance, and return the same to the office of the Clerk of the proper county.

Sec. 4. If any judge shall, after a proper application is made, refuse to grant an order for a writ of habeas corpus, or if any officer, or other person to whom the same may be directed, shall refuse obedience to the mandate of said writ, he shall forfeit and pay to the person aggrieved, a sum not exceeding five hundred dollars, to be recovered by action of debt, in any court of record having cognizance thereof.

Further duty of the judge.

Penalty upon officers for refusing to act.

CHAPTER XXVIII.

An act to incorporate the town of Corydon in the county of Harrison.

[APPROVED, JANUARY 12, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the qualified voters of the town of Corydon, in the county of Harrison, shall meet at the court house in the said town of Corydon, on the first Monday of March next, and proceed under the directions of the Sheriff of said county, whose duty it is hereby made to hold said election; to elect, by ballot, seven trustees, who shall be styled the board of Trustees of the town of Corydon, who shall continue in office until the first Monday in March, in the year one thousand eight hundred and twenty-nine, and until their successors are chosen and qualified, a majority of whom when met, shall form a quorum to do business, but a less number may make adjournments, which said Trustees and their successors in office shall be, and are hereby created and made a corporation and body politic by the name and style of the trustees of Corydon, and by that name shall be, and are hereby made able and capable, both in law and equity, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any court in this state. They shall

in law be capable of receiving donations of real and personal estate for the use of the said corporation, likewise to ordain, establish and put in execution, such by-laws, ordinances and regulations as they may deem necessary to improve, keep in repair and remove any obstructions in the streets and alleys and commons in the town; to remove nuisances of every kind; to restrain and prohibit gambling or any other disorderly conduct; to provide for licensing, regulating or restraining theatrical or other public shows or amusements, within the corporation; to regulate and establish markets; to sink and keep in repair public wells, and generally to ordain and establish such by-laws or ordinances and regulations, for the good government of said town, as to said trustees may seem necessary, and not inconsistent with the laws and constitution of this state.

Sec. 2. That the said corporation shall have perpetual succession, and for that purpose, every person resident in the corporation, of the age of twenty-one years and upwards, and every person who is a qualified voter and resident of the county, having a legal or equitable title to property therein, shall be entitled to vote for trustees, which trustees shall be elected annually, on the first Monday of March, and shall have power, from time to time, to fill vacancies, by appointing a successor or successors, who shall hold his or their office until the next annual election of trustees.

Sec. 3. It shall be the duty of the Sheriff of Harrison county, or in his absence the coroner, to advertise in at least three of the most public places within the bounds of the corporation of said town, at least ten days previous thereto, the time and place of holding such elections, and shall superintend the same.

Sec. 4. Previous to their entering upon the duties of their office each trustee shall take an oath faithfully and impartially to discharge the duties as trustees of the town of Corydon, and shall then have full power and authority to transact any and all kinds of business that may be authorised by this act.

Sec. 5. The trustees elected, by authority of this act, shall, at their first meeting, appoint a clerk, and also elect one of their own body, whose duty it shall be to preside in all their deliberations, and sign all by-laws that shall be enacted by said trustees: *Provided however*, That in the absence of the President, a President *pro tempore* shall be elected, who shall perform the duties of the President for the time being.

Sec. 6. The President of the board of trustees of the town of Corydon, shall be inspector of all incorporation elections for said town; he shall take to his assistance two

other qualified electors, who, together with himself, shall be judges of the said election, or elections, and after having appointed a clerk, who, together with the judges, shall take an oath or affirmation faithfully to discharge their duty as judges and clerk of said election, shall proceed to receive votes for trustees, between the hours of ten o'clock A. M. and four o'clock P. M. on said day of election, and the seven persons having the highest number of votes at said election shall be declared duly elected; a certificate of which election shall be made out by the clerk thereof, signed by the inspector and judges of such election, and attested by said clerk: It shall be the duty of the clerk to file the same, together with all the papers appertaining to such election, in the office of the clerk of the circuit court of Harrison county, within ten days from the time of holding said election, whose duty it shall be to record the said certificate of election in the book in which the proceedings of the board of justices are recorded:—*Provided however*, That if the President of the board of trustees should not attend at said election, the qualified electors shall proceed to choose some fit person to act as inspector, who, when so elected, shall take an oath or affirmation faithfully and impartially to discharge the duties of inspector, at such election.

Sec. 7. The board of trustees of the town of Corydon, or a majority of them, shall have full power to assess and collect annual taxes on all real property within the corporation, (not including the improvements thereon) not exceeding fifty cents on every hundred dollars assessment valuation thereof; also, a poll tax on every actual resident of the corporation qualified to vote, not exceeding fifty cents each.

Sec. 8. All monies arising from collections of taxes, fines and forfeitures, by authority of this act, shall be appropriated by the board of trustees of the town of Corydon, towards the erection, improving and regulating those objects which, by the first section of this act, are placed under their control and jurisdiction, after defraying all necessary expenses that may accrue or necessarily arise out of the exercise of the powers granted or that may hereafter be granted to them by this act:—*Provided, however*, that no fine shall exceed three dollars, except the fine on theatrical shows or amusements, which shall not exceed ten dollars; and the corporation shall extend to the buildings, lots, out lots and commons of said town of Corydon.

Sec. 9. It shall be the duty of said trustees, of the town of Corydon, to appoint a lister in the month of May, in each and every year, who shall take an oath and enter into bond with security to be approved of by said trustees,

for the faithful discharge of his duties, and it shall be the duty of such lister to make a fair list of all taxable persons and property, placing the names of the persons taxable and those owning taxable property in alphabetical order; noting particularly the lots or fractions of lots that are taxable in said town, to whom they belong, and whether to residents or non-residents; and it shall be the duty of such lister to take to his assistance two freeholders in said town, who, together with himself, shall take an oath faithfully and impartially to value such real property, as may be taxable in said town, and proceed to value the same; and it shall be the duty of such lister to make his return of said property, both real and personal, together with the valuation of the real property, thus valued as aforesaid, on or before the first day of July in each year.

Sec. 10. The trustees of the town of Corydon are hereby authorised to appoint a collector, who shall enter into bond with security to be approved of by said trustees, conditioned that he will faithfully pay over all monies that may come to his hands, as collector for the corporation of the town of Corydon, to the treasurer of said corporation, or such persons as the trustees aforesaid shall authorize to receive the same, and that he will diligently and faithfully discharge his duties as such; and it shall be the duty of such collector to make, subscribe and file an affidavit with the clerk of said corporation, that he will diligently and faithfully discharge his duties as collector for said corporation; and such collector shall hold his office one year unless sooner removed by said trustees.

Sec. 11. It shall be the duty of the clerk of said corporation to make out a fair list of all the persons taxable in said town, as also a list of taxable property in said town, agreeably to the list returned by the lister, setting forth the name of the person, the article of property both real and personal, the valuation of real property, and the amount of tax assessed upon each individual, and the amount of tax assessed upon each article of property, and shall deliver the same to the collector, on or before the first day of August, annually, and certify the amount of taxes, contained in such list, to the treasurer of said corporation.

Sec. 12. It shall be the duty of the collector to receive the amount of taxes due from each individual, on or before the first day of September, annually, and in all cases where persons owing taxes to said corporation shall not pay the same on or before the first day of September, as aforesaid, it shall be the duty of the collector to collect the same by distress, and sale of any of the personal property of such delinquent, and the list so put into his hands as aforesaid, certified by the president of the board of trustees

and attested by the clerk shall be sufficient authority for such collector to make distress and sale of any of the personal property of persons who may be owing tax to said corporation, by such collectors giving ten days notice of the time and place of such sale by posting up three written advertisements of that fact, in three of the most public places in said corporation.

Sec. 13. That in all cases where the tax due and owing to said corporation cannot be made of the personal property of the person owing the same, by the authority aforesaid, it shall be the duty of such collector to sell the lots or parts of lots in said town belonging to such persons as may be owing tax as aforesaid or so much thereof as will satisfy such tax and costs, and it shall be the duty of such collector to advertise such lots or fractions of lots as aforesaid, at least twenty days prior to such sale, by advertising the same in some public newspaper published in said town or by posting up five written advertisements in five of the most public places in said town; particularly noting said lots by their number or some certain description.

Sec. 14. It shall be the duty of the collector to sell such lots, or so much thereof as will pay the tax and costs due from the owner thereof, to the highest bidder or to the person who will pay the tax and costs for the smallest portion of the lot, and shall give to the purchaser a certificate, for such lot or fraction of lot, particularly describing the same by its number or other certain description, together with the amount paid for the same; and where the owner of such lot, or any person for him shall pay the amount so certified by the collector, to the purchaser or to the clerk of the board of trustees, within two years after such sale shall have been made, together with one hundred per centum per annum, such person shall forfeit his claim to such lot or fraction of lot, and in case the purchase money and per centum shall be paid over to the clerk of the board of trustees, it shall be the duty of such clerk to pay the same over to the purchaser, on demand, and take his receipt therefor.

Sec. 15. That in case the owner of such lot or fraction of lot so sold as aforesaid, his agent or attorney, shall not pay the amount of the purchase money so certified as aforesaid, together with the per centum thereon in manner above named, within two years from the day of the sale thereof, it shall be the duty of the collector who shall then be in office, to make a deed to the purchaser or his assigns, for such lot or fraction of lot, which deed acknowledged and recorded agreeably to law, shall vest all the right, title interest and claim of the person in whose name such lot was sold; and the assessment made on such lots

shall be a lien on the same, in the hands of any person who may purchase the same, at private sale; and no conveyance made by the owner of such lot after the time such assessment is made, shall so divest the owner thereof, of the title to said lot, as to interfere with the claim of the purchaser, under the provisions of this act: *Provided*, That in all cases where such lots may be listed and sold, the owner's name not being known, such sale shall vest all the right, title and claim of the person owning the same at the time such lot shall have been listed.

Sec. 16. The collector is hereby authorized to adjourn his sale of lots in said town, from day to day, for three days, if he cannot make sale of the same before the end of that time; and in all cases where no sale of any particular lot can be made, he shall return the same, and shall be allowed the amount of tax due thereon, which amount shall be charged to the owner thereof, and collected of him, or the person who may own the lot after the next ensuing assessment shall be made, and such collector shall be allowed, in addition to the allowance made by the trustees agreeably to the provisions of the act to which this is an amendment, fifty cents upon all sales made in pursuance of this act, to be collected of the person whose property may be sold.

Sec. 17. It shall be the duty of the collector to make a return of his proceedings to the clerk of the board of trustees, on or before the first day of November, annually, and to pay over all monies that he may have in his possession belonging to the corporation, to the treasurer thereof, or to such other persons as he shall be directed to pay to, by an order of the trustees; and the board of trustees are hereby authorized to receive the delinquent list presented by the collector, if they shall deem it correct, and give him credit for the same.

Sec. 18. All bonds given by the officers of the corporation of the town of Corydon, shall be made payable to the trustees of the town of Corydon, and all suits commenced against such officers, or against any other person, for the benefit of such corporation, shall be commenced in the name of the trustees of the town of Corydon, without setting forth the name of any member of said corporation, and in all cases of delinquencies of the officers of said corporation, suits may be commenced against them individually, or against them and their securities, upon the bond as the trustees may direct.

This act to take effect from and after its publication in the Indianapolis Gazette.

CHAPTER XXIX.

An act to incorporate the "Franklin Cotton Manufacturing Company," and the "White Water Cotton Manufacturing Company."

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That a company be incorporated, by the name and style of the Franklin Cotton Manufacturing Company, and by the same name shall have succession during the continuance of this act, and shall be able to sue, and be sued, plead, and be impleaded, answer and be answered unto, in all courts of law or equity in this state, or elsewhere, and to make and have a common seal, and the same to break, alter, or renew at their pleasure, and also to ordain and establish such by-laws, ordinances, and regulations, as shall appear necessary for regulating the concerns of said corporation, not being contrary to this act, or to the constitution or laws of this state, or of the United States.

Charter of the Franklin Cotton Manufacturing Company.

Sec. 2. That the capital stock of said corporation shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each.

Capital.

Sec. 3. That for the well ordering of affairs of the said corporation, there shall be seven directors, (being stockholders in said company,) chosen by ballot on the first Monday of September, eighteen hundred and twenty-eight, and on the first Monday in January, in every year thereafter, during the continuance of this charter, by a plurality of votes of the stockholders present, or by proxy, each stockholder voting the number of votes he may be entitled to, agreeably to a scale hereinafter named: and the directors so chosen shall serve as such, until the first Monday in January, in each year, and until others shall be chosen, and no longer; and at their first meeting after such election, they shall choose one of their own body as president; and should it at any time happen, that an election of directors shall not be made upon the day, when, pursuant to this act it ought to have been made, the said incorporation shall not for that cause be dissolved, but it shall be lawful on any other day, to hold, and make an election of directors, in such manner as shall have been by the by-laws and ordinances of the said incorporation, regulated, and in case of the death, resignation, or disqualification of a director, the place of such director for the remainder of the year, shall be filled up by the board of directors for the time being.

Gov'tment of the company.

Sec. 4. That subscription books shall be opened on or before the first Monday in June next, in the town of Brook-

Comm's ap- ville, under the direction of the following commissione.
 pointed to to-wit: Nathan D. Gallion, Richard Tyner, Enoch M'-
 inspect. Carty and William C. Rogers, or any two of them. That
 Nathan D. Gallion, Richard Tyner, Samuel Goodwin and
 Enoch M'Carty, be, and they are hereby appointed commis-
 sioners to survey, examine, and inspect the "Franklin
 Cotton Manufactory," situated on the west fork of White
 Water river, in the county of Franklin, and after a due
 examination thereof, to-wit: the land appertaining to the
 same, and the building thereon, including the Cotton Ma-
 chinery, of every description whatsoever appertaining to
 the factory, buildings, shops, tools, and appendages there-
 to, and every thing that fairly and properly belongs to
 said establishment, upon said examination the said commis-
 sioners shall affix a fair value and price for the same, and
 give a schedule or inventory thereof, stating the value in
 money of each item, taking into view the convenience and
 importance of such an establishment to a manufacturing
 company, to which they shall subscribe their names, and
 deliver the same to William C. Rogers and John Cling-
 man, the proprietors thereof.

Sec. 5. That the said William C. Rogers and John
 Clingman, may, and they are hereby authorized to sub-
 scribe in the books opened for subscription to form the
 capital stock of said corporation, the amount their said
 manufacturing establishment may be valued to by the
 commissioners appointed for that purpose.

Stock how
 paid.

Sec. 6. That all the other subscribers shall pay, at the
 time of subscribing, twenty dollars in lawful money of the
 United States, in gold or silver, or in the notes of the bank
 of the United States, or its branches, on each share sub-
 scribed, and twenty dollars on each share, in like money,
 in two months thereafter, and the balance on each share
 in such payments as the directors shall require.

Sec. 7. That on the execution of a sufficient deed by
 the said William C. Rogers and John Clingman, agree-
 ably to the laws of this state, conveying to the Franklin
 Cotton Manufacturing Company, the lands, factory, build-
 ings, machinery and improvements, with the privileges and
 appurtenances thereunto belonging, perfectly free from all
 incumbrances whatsoever, they shall thereupon receive
 certificates or evidences of stock in said company, to the
 amount of their manufacturing establishment, as valued
 and certified by the commissioners aforesaid, appointed
 for that purpose.

Meeting of
 stockhold's.

Sec. 8. That there shall be a general meeting of the
 stockholders on the first Monday in January, in each year,
 during the continuance of this charter, at which meeting
 the president of said company shall preside, and at those
 meetings it shall be the duty of the president and direc-

tors, to lay before the stockholders, a fair and full account,
 and statement of the affairs and concerns of said corpo-
 ration.

Sec. 9. The following rules, restrictions, limitations, and
 provisions, shall be the fundamental articles of the said
 corporation, viz:

First. The number of votes to which each stockholder
 shall be entitled, shall be according to the number of
 shares he shall hold in the proportions following, viz. for
 one share, one vote; for every two shares above two, and
 not exceeding ten, one vote; for every four shares above
 ten, one vote. No share or shares shall confer a right of
 suffrage, which shall not have been holden two calender
 months previous to the day of election.

Rules of the
 corporation.

Second. Any president or director ceasing to be a stock-
 holder, shall cease to be a director, or president, as the
 case may be.

Third. Not less than four directors, shall constitute a
 board for the transaction of business, of whom the presi-
 dent shall always be one, except in case of sickness, or
 necessary absence, in which case his place may be sup-
 plied by any other director chosen president pro-tempore.

Fourth. The president and directors for the time being,
 shall have power to appoint and employ managers, super-
 intendants, artificers, labourers and hands, necessary
 for the working and carrying on the different branches of
 the said manufactory, and also have power to appoint such
 other officers and servants as may be necessary for the ex-
 ecuting the business of the said corporation, removable at
 pleasure, and to allow them such compensation for their
 services respectively, as shall be reasonable.

Fifth. The lands, tenements, and hereditaments, which
 it shall be lawful for the said corporation to hold, shall be
 such only as shall be requisite for its accommodation, rel-
 ative to the convenient transacting of its business.

Sixth. The stock of said corporation shall be assigna-
 ble and transferable, according to such rules and regula-
 tions as shall be prescribed by the ordinances of the
 same.

Seventh. In case of the violation of this charter, or any
 of its provisions, the directors under whose administra-
 tion it shall happen shall be liable for the same in their
 individual capacity, and an action at law, or in chancery,
 in such cases, may be brought against them, or any of
 them, their heirs, executors, or administrators in any court
 of record, having jurisdiction in such cases, by any cred-
 itor or creditors of said corporation, and may be prosecu-
 ted to judgment and execution; any condition, covenant
 or agreement to the contrary, notwithstanding: *Provided,*
however, That this shall not be so construed as to exempt

the said corporation, or the land, tenements, goods, or chattles of the same, being also liable. Such of the said directors as may have been absent, or who may have dissented from the resolution whereby any violation or infringement of this charter was made, may respectively exonerate himself, or themselves, from being so liable, by immediately giving notice of the fact and of their absence and dissent, to the stockholders at a general meeting, which they shall have power to call for that purpose.

Eighth. Annual dividends shall be made of so much of the profits of the corporation, as shall appear to the directors advisable.

Ninth. The whole accounts, books, and transactions of the said corporation, shall be open to inspection, at all times, to any persons appointed by a joint vote of the legislature.

Tenth. Any subscriber, or subscribers, failing or omitting to pay their instalments as they annually become due, shall not be entitled to receive any dividends of the profits, until such payments are made.

Eleventh. That the said company, or any individual thereof in this behalf, shall not in any wise be at liberty to issue bills of credit, or bills payable to bearer or order, or to carry on any bank or banking institution whatsoever.

Twelfth. That nothing herein contained shall be construed to exempt the stockholders, in their individual capacity, from liability, in law or equity, for the debts contracted, or authorized to be contracted by the president and directors, in proportion to the stock they may own.

Thirteenth. That this act shall commence and be in force, from and after its postage thereof, until the last day of December, in the year 1850.

Fourteenth. The commissioners appointed by this act shall each receive two dollars per day, for each and every day they are necessarily employed in discharging the duties designated by this act, to be paid by the said company.

Sec. 10. *Be it further enacted,* That Nathan D. Gallion, Richard Tyner, Enoch McCarty, Samuel Goodwin and William C. Rogers, are hereby authorized, as commissioners, to open books to receive subscriptions for stock to erect a cotton factory on the main stream of White Water river, in White Water township, in Franklin county, upon the piece of land, and mill site, owned by William C. Rogers, that said cotton factory to be erected by a company, to be known by the name and description of the "White Water cotton manufacturing company," with a capital stock of fifty thousand dollars, to be divided into five hundred shares, of one hundred dollars each, that the books hereby authorised to be opened, shall be opened in Brookville at any time said commissioners shall appoint, within

Charter of
the White
Water
man'g com-
pany.

six months from the passage hereof, and shall be kept open sixty days, unless the stock shall be sooner taken, that as soon as the stock shall have been taken, notice shall be given to the stockholders, that a meeting will be held in the town of Brookville, the time to be appointed by said commissioners, for the purpose of electing seven directors, to carry the business of said corporation into effect; and the said company hereby authorized, and the president and directors shall be governed by the same laws and regulations in every way, that the first named company are by this act.

CHAPTER XXX.

An act to amend the act entitled an act to incorporate the town of Charlestown, in the county of Clark.

[APPROVED, JANUARY 17, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the trustees of the town of Charlestown shall be competent in law and in equity, to take to themselves and their successors, in their said corporate name, any real estate by the gift, grant, bargain, sale, conveyance, will, devise, or bequest of any person or persons, and the same to hold, grant, bargain, sell, convey, demise, or let, in such manner as shall seem to them most beneficial to the citizens of said town, and for the sole use of said corporation.

Amendment
to the
charter of
Charles-
town.

Sec. 2. That said trustees shall have power to cause to be made one common seal for their use, with such devices and inscriptions as they may think proper, and the acts, ordinances, and the proceedings of said trustees, certified by their clerk, with the seal of said corporation thereto affixed, shall be authenticated and receive full faith and credit, when offered in evidence in any court of justice.

This act shall take effect and be in force from and after its passage.

CHAPTER XXXI.

An act to incorporate the Montezuma agricultural and domestic manufacturing association.

[APPROVED, JANUARY 19, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the persons who now constitute the Mon- the comp'y.

Charter of
the comp'y.

tezuma agricultural and manufacturing association, or those who shall hereafter be admitted as members of the same, shall be and are hereby declared to be a body politic and corporate, for the term of twenty years, from and after the passing of this act, by the name and style of the Montezuma agricultural and domestic manufacturing association, to have succession, plead and be impleaded, sue and be sued, in all courts of record, or elsewhere, and be capable to take, hold and enjoy lands, tenements, and hereditaments, goods and chattels, and the same, from time to time to sell, grant, demise, alien and dispose of; to use a common seal, and, until one be procured, to use in lieu thereof a scrawl, and to alter and renew the same at pleasure: *Provided*, that the clear yearly value of the real and personal property by them held shall, at no time, exceed in value the sum of three hundred dollars.

Sec. 2. That the officers of the said corporation shall consist of a president, vice president, treasurer, secretary, and such officers as the said corporation may think necessary, who shall be elected annually, or otherwise, as the rules and by-laws of the corporation may direct.

Sec. 3. That the said corporation, when convened, upon due notice given to the members, by public advertisement, or otherwise, shall have power and authority to make, ordain, and establish such and so many rules and by-laws and ordinances relating to the time of meeting; the admission of the members, the powers and duties of the officers thereof; the awarding and distribution of premiums and the ordering of other concerns of the corporation, as they may deem necessary and proper: *Provided*, that no rule by law or ordinance, as aforesaid, shall be valid, if inconsistent with the constitution and laws of this state or of the United States.

Sec. 4. That the present officers of the said society shall continue in their respective stations, until an election shall be made under this act; and the rules, by-laws, and ordinances now in force and not inconsistent with the constitution and laws of this state, or the United States, shall be good and valid, until altered, amended, or abrogated by the corporation.

This act to be in force from and after its publication in the Western Register and Terre Haute Advertiser, published in the town of Terre Haute, in the county of Vigo.

CHAPTER XXXII.

An act to incorporate the Indianapolis steam mill company.

[APPROVED, JANUARY 17, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Nicholas M'Carty, James M. Ray, William Sanders, Noah Noble and Daniel Yandes, together with such other persons as may associate for the purpose of building and managing a steam mill, for the purpose of grinding grain, and driving such other machinery as may be attached to the said mill, in the vicinity of Indianapolis, in the county of Marion, in this state, and carrying on the business incident to the said mill, be, and are hereby ordained, constituted, and declared, to be a body politic and corporate, in fact and in name, by the name of "the Indianapolis Steam Mill Company;" and by that name they, and their successors and assigns, shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and that they and their successors may have a common seal, and make, change and alter the same at pleasure; and that they and their successors, by the said name and style, shall be capable of purchasing, holding, using and conveying, any estate, real or personal, necessary for the use and security of said corporation.

Sec. 2. *And be it further enacted*, That the capital stock of the said corporation shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when, and so soon as five thousand dollars shall have been subscribed for, to commence their said business, and with that capital to conduct and carry on the same, until they shall find it expedient to extend their capital, which they are authorised to do, from time to time, to the amount herein before mentioned.

Sec. 3. The subscriptions to the said stock, shall be opened under the direction of Nicholas M'Carty, Benjamin I. Blythe and James M. Ray, or any two of them, who are hereby appointed commissioners for that purpose, and authorised to receive subscriptions to the said capital stock, on such days, and at such place, after the passage of this act, at Indianapolis, as they shall appoint; and that the sum of two dollars, at least, shall be paid to the said commissioners, on subscription, and also the sum of three dollars previous to the election of directors, on each share.

Sec. 4. The stock, property and concerns of the said

corporation, shall be managed and conducted by five directors, who shall be stockholders, and residents of Marion county, one of whom to be president, who may respectively hold their offices for one year, and until others shall be chosen, and no longer; and that the said board shall be elected by a majority of such of the stockholders as shall attend for that purpose, on such day, and at such place, as shall be designated by the said commissioners, or a majority of them, appointed in and by the preceding section of this act; and the said commissioners are directed to give at least ten days notice of said first election, by publication in a newspaper in Indianapolis, and they are hereby appointed inspectors of said election; and the said board then chosen, shall hold their offices until the second Monday in June, in the year eighteen hundred and twenty-nine, and until others shall be elected in their stead; and the said directors, after the said term shall have expired, shall be chosen annually on the second Monday in June in each year, and at such place in Indianapolis as a majority of the directors may prescribe, of which election notice shall be given at least fourteen days, in one of the newspapers printed in said county; and such election shall be holden under the inspection of the directors for the time being; and as well as the first election, shall be by ballot, by a majority of the votes present, allowing one vote for each share; and the directors chosen under this act, as soon as may be after their election, shall proceed to elect one of their number their president; and if any vacancy shall at any time happen among the directors by death, or otherwise, such vacancy shall be filled for the remainder of the year, by the directors then in office.

Sec. 5. In case it shall happen at any time, that an election of directors should not be made on any day when in pursuance of this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful, on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the law and ordinances of the said corporation.

Sec. 6. A majority of the directors, for the time being, shall form a board or quorum for the transacting all the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the laws and constitution of the United States, or this state, as shall to them appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, the duties and conduct of the officers and men employed therein, the election of directors, and all such matters as appertain to the concerns of the said institution, and shall have

power to employ as many persons as shall be necessary for carrying on the business of said corporation, and allow such pay as to them shall seem meet.

Sec. 7. The stock of the said corporation shall be assignable, and transferable, according to such rules and regulations as the board of directors may make and establish, and shall be considered personal property: *Provided*, That no transfer of stock shall be valid or effectual, until such transfer shall be registered in the book to be kept by the president for that purpose, which book shall, at all reasonable hours of transacting business, be open to the examination of any stockholder, or person having any demand against the company, or any member of it; and in case any officer of the company, having the charge of such book, shall refuse to permit the same to be examined as aforesaid, he shall for every such offence forfeit the sum of one hundred dollars; the one moiety thereof to the Marion county Seminary, and the other moiety to him who will sue for the same, by action of debt, in any court of record, together with the costs of suit. The directors shall at all times keep, or cause to be kept, at some proper place, proper books of accounts, in which shall be entered all the transactions of said corporation; which books shall be subject at all times to the inspection of the stockholders of said company.

Sec. 8. That said stockholders shall be held responsible to all creditors, in their individual capacity, to the amount of their stock, in failure of a sufficiency of property belonging to said company: *Provided*, That said corporation shall at no one time incur debts to the amount of stock sold and held in said company.

Sec. 9. The said directors shall have power to receive, and by due course of law, to collect all subscriptions in writing, for the purpose of raising the funds necessary to carry into effect the end of the said corporation; and they shall be authorised to assess and collect ten per centum in addition, on any instalment of stock due and payable under the requisition of the board at any time, which shall not be paid in due time; or they may, in their discretion, after failure of any instalment of stock, as required, declare the part of said stock before paid in on said share, to be forfeited to the use of the company.

Sec. 10. This act shall be, and the same is hereby declared, to be a public act.

Sec. 11. The corporation hereby created, shall not engage in any banking business whatever; and the object of the association being to meet the public necessities, and advance the public good, and with a view to the most successful management of the manufactories hereby contemplated, the power hereby vested in the corporation

shall not be construed to extend to authorise the manufacturing, or distilling of spiritous liquors by said corporation.

This act to take effect and be in force from and after its passage.

CHAPTER XXXIII.

An act to amend the act entitled "an act providing for the incorporation of towns," approved January 30, 1824.

[APPROVED, JANUARY 24th, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the persons appointed by the president and trustees of any corporation under the act to which this an amendment, to collect taxes or dues of any corporation, shall have full power to sell and convey any real estate for the non-payment of such taxes or dues in the same manner and under the same restrictions that collectors of state and county tax, are hereby authorised to do; and the said collector shall make a return of all sales of lots sold as aforesaid, to the clerk of the circuit court in the same manner that collectors of state and county revenue are now required to do; and all sales heretofore made of real estate, by any collector of corporation taxes or dues under and conformable to the provisions of the act to which this is an amendment, are hereby declared valid, and the said collector or his successor in office, is hereby authorised to convey the same, in fee simple, to such purchaser, his heirs or assigns, at any time after the expiration of two years after such sale: But in no case shall real estate, the property of minors or feme coverts, be sold for a corporation tax.

Sec. 2. Whenever any real estate shall be sold for the non-payment of any corporation tax, the same shall be redeemable at any time within two years next after any such sale, by the payment of the full amount for which the same was sold and fifty per centum thereon, that may have been subsequently paid on such premises by such purchaser, or in case such purchaser may not be conveniently found, by the payment thereof into the treasury of such corporation within the said two years.

Town collector may sell real estate.

Real estate sold may be redeemed.

CHAPTER XXXIV.

An act authorizing the inhabitants of Congressional township numbered eleven, north of range numbered nine, west, to incorporate themselves according to the act of 1824.

[APPROVED, JANUARY 12, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the inhabitants of Congressional township numbered eleven, north of range numbered nine, west, in the county of Vigo, be, and they are hereby authorized to hold an election for trustees, on the last Saturday of March next, and their next election on the first Monday of April, 1830, and thereafter tri-annually on the first Monday in April. Trustees to be elected.

Sec. 2. The said inhabitants shall be governed in all respects, except as herein provided, according to the provisions of an act of the General Assembly, approved, January 31st, 1824, entitled an act incorporating Congressional townships, and providing for public schools therein; and also, an act amendatory thereto, approved, February 12, 1825, the full benefits and provisions of which said acts are hereby extended to the inhabitants of said township.

This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

An act supplementary to an act, entitled "an act providing for the incorporation of towns," approved, 30th January, one thousand eight hundred and twenty-four; in aid of the trustees and corporation of the town of New Albany.

[APPROVED, JANUARY 17, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the trustees of the town of New Albany, be, and they are hereby authorized, prior to the next election held in said town for trustees, or at any time thereafter, to divide said town into wards or districts, and the bounds of said wards or districts, to change from time to time as they may deem necessary or expedient. That thereafter nine trustees shall compose the board of trustees, three of whom shall be chosen from each ward or district, by the qualified voters residing within the bounds of each ward or district, as previously laid out and determined by the trustees of the said corporation; all of which Powers of the trustees of New Albany extended.

trustees shall be elected at the same time and place, and under the superintendence of the same inspectors and judges; for which purpose three ballot boxes shall be provided by said corporation, one for each ward or district, in which the votes of the electors of the several wards or districts shall be respectively deposited; and the three persons voted for as trustees of each particular ward or district, who shall have received at any regular election the highest number of votes as trustees for such ward or district, shall be declared duly elected trustees of said town.

Sec. 2. Whenever the resident owners of lots on any street or section of a street in said town shall be desirous of improving the same either by graduating or gravelling the same, or by paving the side walks thereof, or in any other manner, and two thirds of such resident owners on said street or section of a street, for the improvement of which application may be made, shall subscribe a petition to the trustees of said town, expressly designating and describing any particular improvement they are desirous of making in such street or section of a street, the said trustees shall be empowered to order and direct the said improvement to be made in the best and most economical manner, and to assess and levy the cost of the same equally upon each lot fronting on, or adjacent to said street or section of a street, whereon said improvement may be made; and the said assessment or levy from the time of making and recording the same on the records of the corporation, shall be and remain, a lien on the said lot until the same is paid by the owner or occupant of the same.

Sec. 3. The collector of taxes of said corporation, shall be appointed by the board of trustees, who shall give bond and security to the satisfaction of said board, for the faithful performance of his duty as such collector, who, when appointed, and his successors, shall, in relation to the collecting of the taxes of said corporation of New Albany, have the same powers, perform the same duties, and be liable to the same penalties and restrictions, which attach, or appertain to collectors of the state and county revenue, by virtue of the act for assessing and collecting the revenue, approved, January, one thousand eight hundred and twenty-four, and the several acts amendatory thereof; and every sale of lots or parts of lots in said town, for the non-payment of taxes, assessments, or levies, made by said corporation, shall be conducted in every respect agreeably to the laws now in force in this state, regulating the sale of lands for the non-payment of the state and county revenue due thereon; and such sale or sales made in pursuance of the laws aforesaid, shall be valid and effectual to pass the title of the defaulting owner or owners, to the purchasers

or purchasers, subject however, to redemption in the manner pointed out in the twelfth section of the act aforesaid: *Provided*, That the times of selling any lots for the non-payment of taxes may be fixed by the trustees, and need not correspond with the times fixed for selling lands for non-payment of state and county revenue.

CHAPTER XXXVI.

An act to incorporate the Indianapolis and White Water Turnpike Company.

[APPROVED, JANUARY 24, 1828.]

WHEREAS, the state road leading from Indianapolis to Brookville, and from thence to the town of Harrison, is so imperfectly constructed as to be frequently impassable, and it being represented that the improvement of said road would conduce to the public advantage:

THEREFORE:

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Noah Noble of the county of Marion, Job Pugh of the county of Rush, David Tracy of the county of Shelby, and David Mount of the county of Franklin, be, and they are hereby appointed commissioners, who, or a majority of them are hereby authorized to let the constructing and keeping in repair a turnpike road, to be located on the state road from Indianapolis to Brookville, and from thence to the town of Harrison, in the manner herein after described. The said road shall be opened forty-eight feet wide, clear of all timber, thirty feet of said road at least in width, and as near the centre as may be, shall be made an artificial clay turnpike road, which shall be made solid durable and graduated from the height of two feet from the centre thereof, or from such height as the commissioners shall agree upon, and so nearly level in its progress, as that it shall in no place rise or fall more than will form an angle of four degrees, with a horizontal line. That good and sufficient bridges shall be constructed over all rivers and creeks crossing said road, except over the west and east forks of White Water river, and shall forever maintain and keep the said road and bridges in the same good order and repair for the period hereinafter designated.

Sec. 2. The said commissioners before they proceed to execute the powers vested in them by this act, shall take the following oath or affirmation: I, A B appointed to lay out, and contract for the construction of a clay turnpike

road, from Indianapolis to Brookville, and from thence to the town of Harrison, do swear (or affirm as the case may be), that I will in all things agreeably to the provisions of this act, to the best of my skill and judgment, well and faithfully execute the duties of my said appointment.

Further duties.

Sec. 3. That the said commissioners or a majority of them shall meet at Indianapolis, on the first Monday of March next, or as soon thereafter as may be practicable, and shall, after taking the said oath, proceed to examine and survey said road, having previously employed a skilful surveyor, and necessary assistants, and shall lay off into sections of not more than one mile in length, commencing at the eastern termination of Washington street, in the town of Indianapolis, and shall number said sections numerically, and estimate the expense and probable cost of constructing a clay turnpike road, as above described, on each of said sections, including the cost of bridges over streams crossing the respective sections as heretofore mentioned, which said survey embracing the sections numbered as aforesaid, with the cost of each of said sections as is estimated, shall be entered by said commissioners in a book to be provided for that purpose.

Further duties.

Sec. 4. That it shall be the duty of said commissioners, when they shall have made the survey, division and estimates as aforesaid, to advertise in one of the newspapers, printed in the town of Indianapolis, and the newspaper printed in Brookville, and at the doors of the court houses in Shelby, Hancock, and Rush counties, the time and place they will let the opening and keeping in repair of said road, at least four weeks previous thereto. And the said commissioners are authorized to adopt the mode for letting out said road they shall deem most advantageous, be it a contract for opening and constructing the whole of said road, and building the necessary bridges, or a contract for sections between Indianapolis and Rushville, the latter place and Brookville, or between Brookville and the town of Harrison, or whether for single sections: *Provided however*, They shall let the same to the person or persons who will for the least sum open the same, agreeably to the provisions of this act, and agreeably to the mode designated by said commissioners, and constantly keep the same in good repair; said commissioners shall require from the person or persons bidding off any portion of said road, bond with approved security, in double the sum at which such portion of said road may have been bid off, conditioned for the faithful performance of all the work required by the commissioners of said road, and payable to the state of Indiana: *Provided however*, That neither of said commissioners shall bid off on their own account any portion of said road.

Sec. 5. That it shall be the duty of the said undertaker or undertakers to commence the said road in ninety days after contracting therefor, and complete the same agreeably to the provisions of this act, within two years after the time of said undertaking.

Sec. 6. That as soon as the said undertaker or undertakers of said road shall procure from a majority of said commissioners a certificate that the same is opened and completed, with proper and suitable bridges erected, agreeably to the provisions of this act, then, and in that case, it shall and may be lawful for him or them to erect turnpike gates at convenient places on said road, as follows: turnpike gates to be erected at the distance of ten miles from each other, to-wit: four full gates on said road between the towns of Indianapolis and Rushville, three full gates between Rushville and Brookville, and two between the latter place and Harrison: *Provided however*, That whenever any portion of said road shall have been completed the said commissioners may permit gates to be erected and charges to be made in proportion to such distance, so completed, and shall have the right to have and receive the rates hereinafter mentioned, for passing the same: For each person on horse-back (except post-riders, women, and children under the age of ten years), six and one fourth cents; for every horse, mare, mule, jack, or jenny, six and one fourth cents; for every cart or carriage with two wheels, eighteen and three fourth cents; for every wagon or carriage with four wheels, thirty-seven and one half cents; for every twenty head of sheep or hogs, six and one fourth cents, and in the same proportion for a greater or less number; for every ten head of cattle, six and one fourth cents, and in the same proportion for a greater or less number. And if any person or persons shall pass or attempt to pass the said turnpike gates without paying the fees aforesaid, or avoid, or attempt to avoid, he or they shall forfeit and pay ten dollars for the use of the undertakers, which sum may be recovered before any justice of the peace in this state.

Provision for turnpike gates and tolls.

Sec. 7. That it shall be lawful for the said commissioners to receive subscriptions in money or property, for improving said road to any amount, and to enforce the collection of the same, and they shall enter into bond and security before the Secretary of State, payable to the state of Indiana, in the penalty of five thousand dollars each, conditioned for the faithful appropriation of any money or property to be received by them, which bond shall be filed in the office of the Secretary of State.

Sec. 8. That the bond or bonds required to be taken from the undertaker or undertakers shall be retained by said commissioners, and if, at any time after the said com-

Penalty for failing to keep road in repair.

missioners shall permit the said undertaker or undertakers to erect gates and receive toll, said road is suffered or permitted to remain out of repair for the space of thirty days, at any one time, except a longer time is absolutely required for reparation, then in as short a time as practicable, he or they, or their securities shall be liable to a fine of not less than ten nor more than five hundred dollars, to be recovered by motion before any Circuit Court in this state, to any of which is hereby given full power and authority to try the same, to grant judgment and award execution: *Provided however*, That the said undertaker or undertakers shall have received ten days previous notice of the time of making such motion, and said motion may be renewed from time to time, and recoveries had until a recovery is had of the whole penalty of said bond.

Sec. 9. That if the said undertaker or undertakers shall at any time permit said road to remain out of repair for the space of two months, to be ascertained, either upon the knowledge of the said commissioners, or a majority of them, or upon competent proof to them made of the fact, they shall, and are hereby vested with full power and authority to throw open said turnpike gates, and it shall not be lawful for said undertaker or undertakers to receive or demand any toll, until the said road shall have been put into a complete state of repair, and obtain from a majority of said commissioners a certificate to that effect.

Further duty of com'rs.

Sec. 10. That the said commissioners when they have sold the sections of said road, shall enter the price of each and every section, in the book in which said survey, numbers and estimates are entered, and shall give to each purchaser a certificate embracing the number and description, and the sum at which such section or sections was or were bid off, under the hands and seals of said commissioners, or a majority of them.

Proprietor of a section of road failing to commence the work to be deprived of his contract and sued, &c

Sec. 11. That whenever any proprietor of a section or sections sold as aforesaid on said road, shall neglect or refuse to commence said work, agreeably to the provisions of this act, within ninety days after the period designated by the commissioners for that purpose, the said commissioners are hereby authorized, upon four weeks notice given as herein before prescribed, to sell such section or sections, and such sale shall be a legal and valid transfer of the section or sections so sold to the purchaser, and said purchaser shall receive a certificate therefor, and the said commissioners are hereby further authorized to bring suit against such delinquent proprietor, and may recover not less than five per cent. of the original purchase money, from such delinquent proprietor, to be applied to the improvement of said road.

Sec. 12. That when said road is completed, or such parts thereof, from time to time as aforesaid, and the same shall have been examined, approved, and licensed, in manner aforesaid, it shall and may be lawful for them to appoint such and so many toll gatherers as they may think proper, to collect and receive of, and from every person or persons using the said road, the toll rates heretofore mentioned.

Sec. 13. That it shall be the duty of the gate keeper or keepers to fix up at each turnpike gate a printed list of the rates of the toll allowed by this act, for the inspection of such person or persons as may travel the said road, and if any toll gatherer shall demand from any person or persons using said road, any greater rate of toll than by this act is authorized and allowed, such toll gatherer shall forfeit and pay the sum of ten dollars, for every such offence, to be applied to the use of the county Seminary, to be recovered before any justice of the peace in manner aforesaid.

Sec. 14. That no suit or action shall be brought or prosecuted for any penalties incurred under this act, unless such suit or action be commenced within six months, next after the fact committed, unless the party of their own act prevent its being sooner brought, and the defendant or defendants in such suit or action may plead the general issue, and give this act and the special matter in evidence.

Sec. 15. That the said commissioners shall be entitled to receive one dollar and fifty cents per day, for every day they shall be necessarily employed in the duties of their office, to be paid out of the sum or sums donated to said road, out of the three per cent. fund due, and to become due to said road: and whenever either of said commissioners shall wish to resign, the Governor is authorized to receive such resignation, and it shall be the duty of the Governor, in case of death, resignation, refusal to act, or removal out of the proper county, of either of said commissioners, to appoint some other fit person or persons in his or their stead, so as constantly to keep up the number in the several counties designated in this act; and those so appointed shall possess the same power as their predecessors.

Sec. 16. That the certificates of purchase of a section or sections on said road, as directed to be issued by the commissioners, as herein before mentioned, shall be taken, deemed, and considered as personal estate, to all intents and purposes, and may be transferable, and the mode of transferring said certificate shall be by deed acknowledged before any justice of the peace, and an entry thereof to be made by the commissioners, in a book kept for that purpose.

Mode in which the stockholders may incorporate.

Sec. 17. That as soon as the said clay turnpike road is completed, the commissioners are hereby authorized to give notice as herein before directed to the undertakers or persons holding certificates of sections, to meet in order to organize a corporation, and to choose out of the undertakers by a majority of the votes of the said undertakers or holders of certificates, by ballot, to be delivered in person or by proxy, duly authorized, a president and six managers: *Provided always*, That no person shall have more than thirty-five votes in any election, or in determining any question arising at such meeting, whatever number of shares he, she, or they may be entitled to, and that each person be entitled to one vote for each share, to be held under the number of fifteen, and one vote for each five shares held over that number.

Sec. 18. That the stockholders in the said company shall be, and they are hereby incorporated and constituted a body politic, by the name and style of the Indianapolis and White Water Turnpike Company, and by the same name, the stockholders and their successors shall have succession during the continuance of this incorporation, and shall have all the privileges and franchises of, or incident to a corporation, and shall be capable of taking and holding the said stock and the increase and profits thereof, and of suing and being sued, answering and being answered unto, to make a seal, alter, break and renew the same according to their will and pleasure.

Stockholders to meet annually.

Sec. 19. That the stockholders in said company shall meet in the town of Rushville, on the first Monday of June, in each and every year, for the purpose of choosing a president and six managers; and the stockholders may meet at such other times as they shall be summoned, in such manner and form as shall be prescribed by their by-laws, orders and regulations, and to do and perform all other corporate acts, as herein authorized and incident to such corporation.

Powers and duties of the corporation.

Sec. 20. That the said president and managers shall have power to appoint a treasurer, and such other officers and agents, as they may deem necessary, for the management and conducting the affairs of the said corporation; and to make such by-laws, rules and regulations, as they may deem necessary, for the government of said corporation; fixing the compensation of their agents: *Provided however*, That such by-laws, rules and regulations conform to the constitution and laws of this state.

Sec. 21. That the said company shall keep a just and true account of all and singular, the monies to be received by their several and respective collectors of tolls, at the several gates on said road, from the beginning to the end thereof, and of the rents of all such parts of said road,

as shall be rented out and shall make and declare a dividend of the clear profits and income thereof, (all contingent cost and charges, being first deducted) among all the stockholders of said road, in proportion to the costs of sections respectively, purchased by them; and shall, on every first Monday in June and December, in every year, publish the half yearly dividend, to be made of the said clear profits, among the stockholders, and of the time and place, when and where the same will be paid, and shall cause the same to be paid accordingly.

Sec. 22. That the said company shall, at the end of four years after the said road shall have been sold out, as aforesaid, and at the end of every second year thereafter, lay before the general assembly of this state, an abstract of their accounts, showing the whole amount of their capital expended in the prosecution of said work, and of the profits and income arising from said road, for and during the respective periods; together with an exact account of the costs and charges, to the end that the clear annual income and profits thereof may be ascertained and known; and if at the end of two years after the said road shall have been completed, from the beginning to the end thereof, it shall appear from the average profits of the said two years, that the said income and profits thereof will not bear a dividend of fifteen per centum per annum, on the whole amount of capital expended, then it shall and may be lawful for the General Assembly of this state, to increase the tolls herein allowed, so much upon each and every allowance thereof, as will raise the dividends up to fifteen per centum per annum, in which increase they shall be regulated by the nett profits of the preceding years.

Further duties.

Sec. 23. That in case the said tolls, as hereby first established, shall in any one year, from and after the term of two years after the completion of the said road, exceed in nett profits the sum of fifteen per centum per annum, then the legislature may, at any subsequent session, and from time to time, reduce the said toll: *Provided*, That when thus reduced, they shall not yield, in nett profits, a less sum than fifteen per centum per annum; and in making such reduction, they shall be governed by the average of the clear income and profits arising from the tolls of the two years next preceding such reduction.

Legislature may reduce toll.

Sec. 24. That the said company may contract with any person to use said road, and pass the gates thereon, for any sum and term which shall be agreed upon; which contract shall be good and valid in law: *Provided however*, That no toll be demanded or taken, from any person going to or returning from worship, or a funeral, or from militiamen attending training or court martial, or from electors attending on days of general elections, going to or returning from the same, or from any person going to or

Restriction as to demanding tolls.

returning from work and labor, or from any person going to or returning from mill.

Corporation
to cease in
20 years
upon condi-
tions.

Sec. 25. The corporation, by this act created, and the powers and privileges given to the same, shall cease and be at an end after the expiration of twenty years, except so far as may be necessary for the closing and settling the corporation: *Provided*, That the said clay turnpike road and the profits thereof shall remain to the said corporation, their heirs and successors, unless at the period above fixed for the expiration of the charter aforesaid, the state will purchase of the said proprietors the said clay turnpike road and its appendages, and pay to them, for the same, the monies expended by them in the execution thereof, which price shall be determined by the sales of the several sections of said road, the profits received, as well of the original costs being taken into consideration, and should the stock not have yielded fifteen per centum on the original costs, they shall pay a rate of interest on the original cost not exceeding four per centum per annum for the whole amount of the prime costs: *Provided however*, That if said corporation shall neglect to complete the said road within four years from the date of this grant, the same shall be void: *Provided further*, That the said company or any individual in their behalf, shall not, in any wise, be at liberty to issue bills of credit or bills payable to bearer or order, or to carry on any bank or banking institution whatever.

Restriction.

Further restriction.

Provision to
secure from
disturbance

Sec. 26. That if any person or persons shall open or make any road or passway, leading from said turnpike road, and reunite said road or passway with said turnpike road, or any other road connected therewith, with an intent, and for the purpose of avoiding or aiding others to avoid any gate on such turnpike road, he or they shall forfeit and pay, to the use of said corporation so intended to be injured, a sum not less than two hundred nor more than one thousand dollars, to be recovered in an action of trespass on the case: *Provided however*, That nothing in this section contained shall be construed to extend to the opening or making of any county road.

Penalty for
delaying
travellers.

Sec. 27. That if any turnpike keeper or agent of said company, shall unreasonably delay or hinder any person driving any cart or wagon, carriage or sled, or otherwise travelling, from passing any turnpike gate or toll bridge, such person shall forfeit and pay to such person so delayed or hindered, a sum not less than two nor more than twenty dollars, to be recovered by such person, by a special action on the case before any justice of the peace of the proper county.

Sec. 28. That if any person shall refuse to pay the toll or tolls imposed by this act, at the respective places at which they may be demanded by law, or shall evade the payment thereof, by going around the toll gates, such toll shall be recovered, by warrant, issued by any justice of the peace of the county in which the payment of such toll may be demanded, by virtue of this act, or in the county in which such person may live; and all such justices are hereby authorised and required to issue such warrants on the application of the agents of said company, and to hear and determine the said complaint, and to pass judgment and award execution thereon in the same manner as they are authorised to proceed in other cases for like sums.

Sec. 29. That all those now required by law to work on roads within this state who may reside within two miles of said road, as above established, shall be compelled to work two days on said turnpike road in each and every year, subject to the control and direction of said company, by their agents or upon the failure or refusal of said hands to work as aforesaid, they shall be liable to the same fine as is now recoverable in like cases, for the use of said company; and all those within said distance of said road, who may own real estate, are hereby required to work on said road agreeably to the provisions of the first section of an act entitled an act to amend the act entitled an act for opening and repairing public roads and highways, approved February twelfth, one thousand eight hundred and twenty-five: *Provided*, That every person within said before mentioned distance of said road their families and property shall be exempt from paying toll at any gate within twenty miles of his or their residence: *And provided further*, That nothing in this section contained shall operate to exempt said person from labor on other roads, as at present required by law, nor shall such person or persons be required to work on said turnpike road at a greater distance than three miles from his or their place of residence.

This act to take effect and be in force from and after its passage.

Penalty for
evading
payment of
tolls.

Persons
within 2 m's
of the road
to work
thereon.

CHAPTER XXXVII.

An act legalizing the proceedings of the board of county commissioners of Shelby county.

[APPROVED, JANUARY 21, 1823.]

WHEREAS the board of commissioners of the county of Shelby were prevented, in consequence of high waters, from meeting on the first Monday in January instant, for the transacting of the county business as is provided for in an act regulating the manner of doing county business in certain counties therein named, approved January 26, 1827, and said board did meet on Wednesday the ninth, and continue in session until the tenth instant, and proceeded to transact all the business that was required to be done by said act: Therefore,

Legalizing
clause

Be it enacted by the General Assembly of the state of Indiana, That all the acts of said commissioners, at the said meeting on the ninth and tenth instant be, and they are hereby legalized as far as they come within the meaning of the aforesaid act.

This act to take effect and be in force from and after its passage.

CHAPTER XXXVIII.

An act to dissolve the Connersville Library Association.

[APPROVED, JANUARY 24, 1823.]

Library to
be invoiced
and sold

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the president and directors of the Connersville Library Association, incorporated under the provisions of an act entitled an act for the incorporation of public libraries, approved December seventeenth, one thousand eight hundred and sixteen, be, and they are hereby authorized to make a complete inventory of all and singular the books, papers, monies and effects belonging to said association, together with a list of the shareholders, and to deposit the same in the office of the treasurer of the county of Fayette, and after giving four weeks notice in the Fayette Observer, a newspaper published in the town of Connersville, proceed to sell, at public sale, all books and other effects belonging to said association, to the highest and best bidder, for ready money or on a credit, not exceeding ninety days, at the discretion of the directors, requiring of the purchaser bond with approved security.

Sec. 2. That after the sale of the books and effects as aforesaid, the president and directors shall deposit a true bill of the said sale, attested by the oath of the president, in the office of the treasurer aforesaid, and after collecting all the monies arising from the said sale, or otherwise belonging to said association, they shall pay the same over to the said treasurer, and take his receipt for the same, subject to be drawn from the said treasurer by the shareholders, on application, and proof of just and legal right to the same, in proportion to the number of shares owned, and capital advanced by each, retaining for his own services the sum of three per centum on all monies received and paid out under the provisions of this act, and also to allow the editor of the Fayette Observer, such sum as he may think reasonable, for publishing the notice of said sale, taking his receipt for the same; and from and after the fulfilment of the duties authorized and enjoined by this act, the said association shall be dissolved, and have no legal effect or corporate existence.

CHAPTER XXXIX.

An act to amend an act entitled an act to establish a state library; approved, February 4, 1825.

[APPROVED, JANUARY 11, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the commissioners of the state library are hereby authorized and empowered to procure the laws, charters, and of our sister states, the laws and ordinances of the several legislatures of the territory of Indiana, and the laws and journals of this state which are now wanting, or which hereafter may be wanting, to make up complete sets; and also to procure to be bound all laws that are now, or may hereafter be in pamphlet form or otherwise, if they, in their discretion, think it necessary for the preservation of the same.

Sec. 2. And for the purpose of carrying into effect the provisions of this act, the said commissioners are hereby authorized to draw upon the treasurer of state for such sum or sums of money as may be necessary for the procuring of said books, and for the preserving of said pamphlets; which sum or sums shall be audited and paid as other accounts.

Sec. 3. *And it is hereby made* The further duty of the commissioners to fix the time, during which any person Comm'rs to authorized may detain a book from said library, and further make rules.

ther to make and ordain, from time to time, such rules and by-laws for the government of said library, as will be best calculated to make the same useful to those interested; and a copy of such rules and by-laws shall, at all times, be set up in a conspicuous place in the library room, for the inspection of every visitor; and it shall be the duty of the librarian to make regular entries in proper books to be kept for that purpose, of all books taken out and returned, and of all penalties and fines assessed or collected under this act, or the act of which this is an amendment.

Sec. 4. So much of the third section of the act of which this is an amendment, as comes within the purview of this act is hereby repealed; and

This act shall take effect and be in force from and after its passage.

CHAPTER XL.

An act to amend an act entitled an act to regulate the militia of the state of Indiana; approved January 20, 1824.

[APPROVED, JANUARY 19, 1828.]

Provision
for ascertain-
ing the
amount of
public arms

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That, in making returns of the strength of the militia of this state, it shall be the duty of the officers making such returns, particularly to note and distinguish the arms that belong to the government from those belonging to individuals; and in all cases where any officer, whose duty it is or may be to make the returns aforesaid, shall refuse or neglect to make the returns of their respective commands, in the manner and by the time directed in the act to which this is an amendment, it shall be the duty of the officer to whom such return should have been made, to arrest such delinquent officer, and immediately order a court martial for his trial, according to the provisions of the act to which this is an amendment.

Officer fail-
ing in return
to be arrest-
ed & tried.

Sec. 2. That it shall be the duty of the president of such court martial to lay the proceedings of the same before the officer ordering such court, together with the amount of fine assessed on such delinquent, and if he approve the same, he shall thereupon issue a writ returnable in ninety days, and deliver the same into the hands of the sheriff of the county where such delinquent resides, or where goods and chattels may be found; and such sheriff is hereby authorized to collect such fine, by the authority

Fines ass'd
to be collec-
ted by sh'ff.

of the said writ, in the same manner sheriffs are authorized to collect fines in the act to which this is an amendment; and such fine, when collected, shall be paid to the paymaster of the regiment where such person resides.

Sec. 3. That the Governor for the time being is hereby authorized to receive, from the proper department, the quota of arms allotted to the state of Indiana, for each and every year, and distribute the same in equal proportions, in the respective divisions in this state, agreeably to the number of the militia belonging to the same; and in making such distribution, and apportioning the same, in the divisions aforesaid, he shall take into his calculation the number of arms already distributed in this state, agreeably to the best information he can obtain on that subject.

Gov. to re-
ceive and
distribute
arms to di-
visions.

Sec. 4. That the officer receiving said arms, so distributed as aforesaid, shall give a receipt for the same, which shall be filed in the office of the quartermaster general, and shall take from the person or persons to whom he may deliver the said arms, duplicate receipts for the same, one of which he shall transmit to the quartermaster general, to be filed as aforesaid, which shall release him from any accountability for the arms so delivered; and the person in whose possession said arms may be last delivered, shall be accountable for the same to be delivered in good order to the commandant of the regiment, when called for: *Provided,* That in all cases where any person shall be desirous of returning his arms so drawn, such person may deliver the same to the commandant of his regiment, in good order, and receive a receipt therefor, which shall be a good discharge against his receipt given and filed as aforesaid.

Command'ts
of div'ns to
distribute
arms, taking
vouchers.

Accounta-
bility provi-
ded for.

Sec. 5. That it shall be the duty of the commandants of regiments, to see that all ordnance and ordnance stores shall be properly secured from the weather, and placed under a safe and secure covering; and all expenses necessarily incurred by carrying into effect the provisions of this section shall be paid by the paymaster, on the order of the colonel, out of any monies in his hands, belonging to said regiment.

Com'ts of
regim'ts re-
sponsible for
ordnance
and stores.

Sec. 6. All non-commissioned officers, except the first sergeants, shall hereafter be exempt from attending the regimental drill musters.

Exemptions
from drills.

Sec. 7. No part of the militia of the county of Hancock, shall hereafter be compelled to attend any drill or muster out of the bounds of said county, but shall be enrolled and trained within said county, by the commandant of the thirty-ninth regiment. So much of the seventh regiment as lies within the county of Union shall be, and

Militia of
Hancock—
how train'd

is hereby attached to and made a part of the sixteenth regiment.

Publishing militia laws Sec. 8. The public printer is hereby required to print and put up in pamphlet form, two thousand copies of this act, and an act entitled an act to amend an act entitled an act to regulate the militia of the state of Indiana, approved, January 20, 1824; approved, January 27, 1827; and the adjutant general shall forward the same to the commandants of each regiment in the state, one copy for each of the commissioned officers of said regiment; whose duty it shall be to deliver, or cause to be delivered, one copy to each commissioned officer in his regiment.

Sheriff fail to collect militia fine. Sec. 9. In all cases where a suit shall be prosecuted against any sheriff, for failing to collect the fines or equivalents assessed and affixed on those conscientiously scrupulous of bearing arms, there shall be six per centum on the whole sum found by the jury who may try said cause, added by the court, as compensation for the collection thereof.

Compensation to pay masters. Sec. 10. The treasurer of state is hereby authorized to allow out of said conscientious fines or equivalents, to the paymasters of regiments, five cents per mile for going and returning to pay the same into the treasury: *Provided*, That the compensation paid to any paymaster shall, in no case, exceed the amount so paid by him into the state treasury.

Regimental musters. Sec. 11. There shall be in each and every year a regimental muster, at such time in the month of October, as the Brigadier General shall direct, when every field and staff officer, all company officers, non-commissioned officers, musicians and privates, belonging to such regiment shall attend, armed and equipped as the law directs; and there shall be a company muster on the second Saturday in the month of April, when and where every commissioned and non-commissioned officer, musician and private, belonging to said company shall attend, armed and equipped as the law directs; when it shall be the duty of said commandants of companies, to make out a return of the strength of their respective companies, and after having copied the same into a book kept for that purpose, he shall deliver the same to the commandant of the regiment to which he belongs, on or before the first day of July, annually, at which muster it shall be the duty of the captain or commanding officer of such company, to give notice to his company of the times and places of holding all musters and courts of assessments for that year, where it may be the duty of any of his company to attend, which shall be all the notice required, so much of the act to which this is an amendment, or any other act which comes within the purview or meaning of this act, be, and the same are hereby repealed.—

The commandants of regiments are hereby authorized to accept the resignation of company officers under the same restrictions as are now required of Brigadier Generals, by the 85th section of the act to which this is an amendment.

CHAPTER XLI.

An act to amend the law regulating Grist Mills and Millers.

[APPROVED, JANUARY 17, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana*, That every person, being the owner or occupier of any grist mill in actual operation, shall be exempt from performing militia duty in time of peace, and from serving on juries: *Provided*, This exemption shall only extend to one person at any one grist mill, he being the owner or occupier thereof.

Millers exempt from militia duty.

Sec. 2. That no miller shall be liable to any customer, for a lost or exchanged bag, at his mill by mistake, unless the initials of the christian, and the whole of the surname of the owner, are marked on the bag in plain letters.

Millers liable for marked bags only.

Sec. 3. The provisions of this act shall be extended to the owners of horse mills, and the owners of mills worked with inclined wheels, who shall be governed in all respects by the same laws, rules, and regulations, as the owners or occupiers of other grist mills are: *Provided however*, That the owners or occupiers of the said mills shall be authorized to exact as toll, where they grind with their own teams, not exceeding one fourth of the grain brought to, and ground for customers, at their said mills, that grind for a part of the grain.

Extended to horse mills, &c.

CHAPTER XLII.

An act supplemental to an act, declaring Blue river a public highway.

[APPROVED, JANUARY 24, 1828.]

Be it enacted by the General Assembly of the State of Indiana, That Sugar creek, from Hough's mills to Manan's mill, on said creek, be, and the same is hereby declared a public highway; and that Adam Wright, of Shelby county, be, and he is hereby appointed a commissioner on so much of the said river, as lies between Hough's mill and

the Lawrenceburgh state road; and William Doble, be, and he is hereby appointed on so much of said creek, as lies between the Lawrenceburgh state road and Manan's mill; and the said commissioners are hereby authorized and required to call out all the hands living within three quarters of a mile on either side of said creek, to work two days in each year, under the same restrictions and provisions, that the hands are bound to work on Blue river, under the act to which this is a supplement.

This act to take effect, and be in force from and after its passage.

CHAPTER XLIII.

An act to improve the navigation of certain rivers in this state.

[APPROVED, JANUARY 24, 1828.]

Appropriation for east fork of White river. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the sum of one thousand dollars is hereby appropriated for the purpose of removing the drift wood, clearing out snags and other obstructions from the east fork of White river, commencing at the north line of Shelby county, and from thence to the junction of the same, with the west fork of White river; and that Joseph Vanmetre, is hereby appointed a commissioner, to draw the same and apply it as hereinafter provided.

For west fork. That the sum of one thousand dollars is hereby appropriated for the purpose of improving the navigation of the west fork of White river, from Andersontown in the county of Madison, to the junction of the same with the east fork of said river; and that James Buskirk of the county of Monroe, is appointed a commissioner, to draw and apply the sum aforesaid, in pursuance of the provisions of this act.

Patoka. That the sum of three hundred dollars is hereby appropriated for the purpose of clearing out obstructions from the river Patoka, in the manner provided for the improvement of the navigation of the White rivers; and that John R. Montgomery of Gibson county, is hereby appointed a commissioner on the same, to be governed as other commissioners are, by the provisions of this act.

Laughery. That two hundred and fifty dollars are hereby appropriated for improving the navigation and clearing out obstructions from Laughery creek; and that James Rand of Dearborn county, is hereby appointed a commissioner for so much of Laughery creek as lies below where the line

of Ripley county strikes the same; and David Findley of Ripley county, is hereby appointed a commissioner, for so much of Laughery creek, as lies between the last mentioned line, and the town of Versailles, in said county of Ripley, and that the sum of one hundred and fifty dollars, of said appropriation shall be subject to the draft of, and be applied by the said James Rand; and that one hundred dollars shall be subject to the draft of, and be applied by the said David Findley.

That the sum of two thousand dollars is hereby appropriated to aid in improving the rapids, and removing the obstructions in the river Wabash, to be paid over to the agent of the three per cent. fund, and retained by him with that portion of the three per cent. fund belonging to certain counties, and already set apart for that purpose.

That three hundred dollars is hereby appropriated, and Blue river. to be applied to clearing out big Blue river, beginning at Fredericksburgh, and continuing to the mouth of the same; and that John Gibson of Harrison county, is hereby appointed a commissioner, to attend to the same, who shall be governed in all respects by the provisions of this act.

Sec. 2. The said commissioners above named, before entering on the duties hereby enjoined on them, shall severally execute a bond in the counties where they respectively reside, with two or more good freehold securities, in double the amount of the appropriation, set apart for the river on which they are appointed commissioners; which bond shall be made payable to the treasurer of state for the time being, and his successors in office, and shall be approved by the associate judges of the county wherein such commissioners respectively reside, which bond shall be filed in the office of the respective clerks, in the counties where executed: and it shall be the duty of the clerks respectively, with whom such bond or bonds are filed, to transmit a certified copy of said bond or bonds, to the Treasurer of State.

Sec. 3. It shall be the duty of the prosecuting attorney of the judicial circuit in which any commissioner resides, in case of default in the conditions of said bond or bonds, or failure to discharge any of the duties enjoined by this act, on them or any of them, to institute a suit or suits as the case may be, and prosecute the same to final judgment for and on behalf of the state.

Sec. 4. It shall be the duty of the Treasurer of state, Treasurer in the month of May, or as soon thereafter as application to pay over may be made by any of the commissioners aforesaid, to pay over to said commissioners respectively, the sum or sums which they are by this act entitled to draw: *Provided,* That he shall previously thereto have received and filed in his office a certified copy of such commissioners bond, as above provided for.

Duties of
commiss'rs.

Pros. Att'ry
to sue on
bond.

Treasurer
to pay over
moneys to
commiss'rs.

Further duties of commissioners. Sec. 5. It shall be the duty of said commissioners respectively, in the month of June, or so soon thereafter as may be practicable, to proceed to let out by jobs, the removal and clearing out of such obstructions in said rivers in the several counties through which the same may flow, as may be found practicable to be removed by the appropriations above respectively made, the said commissioners advertising the letting out of said jobs for at least three weeks, at the county seat of the county where the contemplated work is to be done, and at such other public places as he may think proper.

Further duties. Sec. 6. It shall be the duty of said commissioners in letting out any job or part of either of the rivers or streams aforesaid, to take from the undertaker or undertakers, bond with sufficient security, conditioned for the thorough and faithful performance of the work agreeably to the conditions of the specific agreement which shall be made by the said commissioners, with each and every undertaker, which agreement shall set forth particularly the kind, quality and quantity of work to be done, and in case of default in the condition of any of said last mentioned bonds, said commissioners or either of them, shall bring suit for damages in any court having jurisdiction of the subject matter; and after taking bonds as aforesaid, it shall be the duty of said commissioners to pay out to such contractor or undertaker one third of the amount of the money stipulated to be paid for the work aforesaid, retaining the residue in his hands until said job or jobs are completed according to contract, in every respect whatever.

Further duties. Sec. 7. It shall be the duty of said commissioners respectively, on or before the month of June, to make out a fair statement of each and every contract by them made, with the names of each and every person contracted with, and the amount to be paid, and every particular of said several contracts, which statement or schedule the commissioners shall severally, in the presence of the treasurer, verify by oath or affirmation to be administered by some person authorized to administer oaths, and shall also state the number of days by them respectively spent in and about the same, which statement and schedule shall be subscribed by the said commissioners respectively, and deposited with the treasurer, who shall file the same in his office for the inspection of the General Assembly and all persons concerned, and said reports may be called for and produced in court, in case of any suit or suits for fraud or default.

Vacancy of com's. how filled. Sec. 8. Should any of the commissioners by this act appointed, resign, die, remove, or refuse to act as such, it shall be the duty of the board doing county business, in the county where such vacancy may take place, to appoint

some suitable person to fill the same, who shall in every respect be governed by the same rules, bound by the same restrictions, and subject to the same penalties as though he had been named in this act; and in case of any such appointment the person so appointed shall procure a certificate of the same, signed by the president of the board, or court making the same, and attested by the clerk, which he shall transmit, or cause to be delivered to the treasurer of state.

Sec. 9. The respective commissioners herein mentioned are hereby authorized to draw the several sums appropriated by the first section of this act; and the treasurer is authorized to pay the same out of the three per centum fund, heretofore appropriated to opening the Jeffersonville canal.

Sec. 10. The several commissioners on the said White Compensators, shall receive for their services, one dollar each per day. The commissioners on the Patoka river, one dollar each per day. The commissioners on Laughery creek, one dollar each per day; which they are authorized to retain out of the sums herein appropriated.

CHAPTER XLIV.

An act to amend an act entitled an act to provide for the partition of real estate; approved, January 2, 1824.

[APPROVED, JANUARY 16, 1823.]

Be it enacted by the General Assembly of the State of Indiana, That whenever any real estate held by sundry tenants, in common, is so circumstanced that a division cannot be had, without prejudice to some of the owners thereof, and the commissioners appointed to make partition of the same, shall report to the circuit court that the same is not susceptible of an equitable partition, to the advantage of the proprietors thereof, or of any of them, the said court shall thereupon make an order for the sale of such part of the said land as may be by said commissioners reported as incapable of an equitable and just partition, amongst the proprietors thereof, under such terms, and upon such conditions, and subject to such restrictions, as the said court in its discretion shall order and direct, and if any partition of any part of said land, may be made to any portion or number of the proprietors thereof, the same shall remain valid if confirmed by said court, free and discharged from all claim or interest whatsoever of the residue of said proprietors; and such proprietor or proprietors as may have

Land incapable of partition to be sold.

their part or portion of such land set apart to them as aforesaid, shall release of record in the said court, all right, claim and interest whatsoever, in the residue and undivided portion of said land, and the proceeds thereof to the residue of such proprietors.

CHAPTER XLV.

An act relative to limited partnerships.

[APPROVED, JANUARY 21, 1828.]

Limited
partn'rships
provided
for.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That hereafter it shall and may be lawful to form limited co-partnerships, for the transaction of business, within this state, according to the provisions of this act: *Provided,* That nothing herein contained shall be construed to authorize any such partnership for any banking purpose whatever.

Special
partners
and their
liability.

Sec. 2. That partnerships, to be constituted under this act, shall consist of one or more partners, jointly and severally responsible, according to the existing laws and rules of law upon that subject, who shall be called general partners, and of one or more partners, who shall furnish certain funds or capital to the common stock, according to the provisions of the articles of partnership, and whose liability shall extend no further than to the fund or capital so furnished, who shall be called special partners.

Special pts.
names not
used in busi-
ness.

Sec. 3. That such partnerships shall be conducted under a name or firm, to be composed of the names of all parties interested, excepting special partners, whose names shall not be used, under the penalty of being liable as general partners.

Mode of es-
tablishing.

Sec. 4. That no special partner shall transact any business on account of the partnership, nor be employed as agent, attorney in fact or otherwise, under the penalty of being liable as a general partner: *Provided,* This section shall not be construed to prevent the special partner from examining into the state and progress of the partnership concern, and advising as to its management, nor of acting as the counsel of said partnership.

Publishing
special
partn'rships

Sec. 5. That before any partnership under this act shall be carried into effect, the name or firm under which the same is to be conducted, the names of the partners, both special and general, distinguishing them accordingly, and the places of their residence, shall be registered in a book to be kept for that purpose, at all times open to public inspection, in the office of the clerk of the circuit court, of

county in which the principal business of the partnership is carried on; and if the partnership shall at any time have place of business situated in different counties, the names of the partners and the title of the firm, shall be registered in like manner in every such county, before the commencement of business therein.

Sec. 6. That the said registry shall also designate those of the general partners, who are authorized to transact, manage and sign for the partnership, and for which alone the partnership shall be responsible; and also the amount of the capital furnished by every special partner, the periods at which the partnership is to commence and terminate, and all renewals and continuances; and all dissolutions and alterations, prior to the original proposed continuance of the partnership, shall be registered as aforesaid.

Sec. 7. That it shall be the duty of one or more of the general partners, authorized by the partnership to manage their concerns, at the time of registering as aforesaid, to file an affidavit of the actual advance of such capital as by the special partner or partners at the commencement of the partnership, and according to the articles of partnership, was to be advanced, and of the execution of the obligation or obligations of such special partner or partners, for the payment of such sum or sums as are to be advanced at any time after the commencement of such partnership. And if any person shall be guilty of false swearing in the premises, he shall be deemed to have committed perjury, and shall be punished accordingly.

Sec. 8. That it shall not be lawful for any such partnership, nor any member thereof, in contemplation of bankruptcy or insolvency, and with the intent or for the purpose of paying or securing any one or more of their or his creditors, in preference to any other of their or his creditors, to make any sale, conveyance, gift, transfer or assignment of their or his property or effects, or to confess any judgment or to create any lien whatsoever upon their or his property or effects, and every such conveyance, gift, transfer or assignment, and every such judgment or other lien, shall be and the same is hereby declared to be utterly void. Conveyances and transfers made void in certain cases.

Sec. 9. That the general partners in every such partnership shall be liable to account to the special partners, and to each other for the management of the joint concern according to the law of partnership as now subsisting.

Sec. 10. That at such times as the partners in any partnership may determine, but not more than once in each year, and every year, from and after the commencement of the same, the special partners may draw from the partnership funds, such sum or sums of money, as by the partners or a majority of them may be agreed upon for a dividend up- Dividing profits.

on the stock of the special partner or partners: *Provided*, That no such dividend shall be drawn by any special partner under any pretence whatever, until the general partner or partners, or some of them who are authorized to transact the business of said partnership, shall make and file an affidavit in the office of the clerk, in which registry is made, that the clear profits of the partnership since their commencement or last dividend, (as may be) over and above all losses sustained, and bad debts made during the same time, exceed the amount of the dividend or dividends declared. *And provided*, That unless, as above provided, no part of the capital stock of any partnership shall be withdrawn, by any special partner, and that in case of bankruptcy or insolvency of the partnership, no special partner shall be considered or allowed to claim as a creditor under any circumstance.

Suits prosecuted and defended in name of general partners only. Sec. 11. That suits to be brought by partnerships formed under this act, whether at law or in equity, shall be in the names of the general partners, and suits against such partnerships, shall be against the general partners only, except where special partners have become liable as general partners, in which case they may be made as such, defendants in such suits.

Terms published in newspaper. Sec. 12. That it shall be the duty of the general partners to publish the terms of their partnership as registered, in some newspaper, to be designated by the clerk with whom the registry is made, for three months next ensuing such registry.

Sec. 13. For performing the duties required of him by this act, the clerk shall be entitled to demand, and have one dollar for each registry.

This act to take effect from and after its publication in the Indianapolis Gazette.

CHAPTER XLVI.

An act amendatory of the act, entitled an act for the relief of the poor; approved January 30, 1824.

[APPROVED, JANUARY 21, 1828.]

Overseers of the poor to execute indentures. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That whenever hereafter the overseers of the poor for any township in this state, shall put out any minor as apprentice, agreeably to the sixth section of the act to which this is an amendment; it is hereby made the duty of said overseers of the poor, to execute indentures of such apprenticeship; which indenture, or a

duplicate thereof, they shall deposite with the recorder of the proper county, whose duty it shall be to enter the same of record, in a book kept by him for that purpose; for which duty he shall receive fifty cents out of the county treasury, and for every failure so to record the same, when thereunto required, such recorder shall be subject to pay a fine of one hundred dollars, for the benefit of the county seminary, to be recovered by indictment, before the circuit court of the proper county; and a copy of said indenture, certified by said recorder, shall be evidence of the contract therein set forth, in all courts of justice within this state.

Sec. 2. It is hereby made the duty of the prosecuting Master may attorney of the proper circuit, upon the application of be prosecuted any minor so bound out as apprentice, or upon the application of any other person in his or her behalf, to prosecuting At- torney. cute to final judgment, an action against the master of such minor, for the breach of any stipulation or condition in favor of such minor in said indenture contained.

CHAPTER XLVII.

An act relative to the Knox county poor house.

[APPROVED, JANUARY 5, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the board of justices of Knox county, Poor house or other board doing county business, shall have full power and authority, at any time hereafter, to make sale of the to be sold. Knox county poor house, together with the ground thereunto belonging, if any there be, upon such terms and in such manner, as to such board of justices, or other board doing county business, may seem expedient and right.

Sec. 2. That whenever the sale above authorized may be made, the proceeds thereof shall be paid into the county treasury of Knox county, for the use of said county.

Sec. 3. That at the session of the board of justices, or Proceeds other board doing county business, in said county, next paid into ensuing the sale of said poor house, it shall and may be co. treasury. lawful for such board of justices, or other board doing county business, to adopt, for the management of the poor in said county, the act entitled an act for the relief of the poor, approved January 30, 1824; together with any acts amendatory of the same, which now are or hereafter

may be in force; in which case, said last mentioned acts shall be in full force in said county of Knox.

CHAPTER XLVIII.

An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice; approved, January 20, 1826.

[APPROVED, JANUARY 24, 1828.]

Court may sanction the appointment (by will) of the same person as executor & guardian.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the twenty-third section of the above recited act, shall not be so construed as to prevent any person from appointing the executor or executors he may name in his last will and testament, also to discharge the duties and trusts, and exercise the office of guardian, under the will; but such appointment shall be confirmed by the circuit court, or court of probate, on the requisition of the law being complied with, as in other cases.

C't to keep docket of lett's testament'y, &c.

Sec. 2. That it shall be the duty of the several probate courts of this state, to keep a docket of the letters testamentary and letters of administration, which have heretofore been granted, and of which final settlement has not yet been made, and which may hereafter be granted.

Court may issue citations, &c.

Sec. 3. The several probate courts shall have authority, and it shall be their duty, by citation and attachment, to compel the representatives of all decedents' estates pending in such courts, to appear, at proper times, and file their inventories and accounts, under oath, and to make settlements and distribution, without any delay not absolutely necessary.

Suits may be brought before settlement of the estate.

Sec. 4. The eleventh section of the act to which this is an amendment, shall be deemed and taken to apply to the management of any estate, from the granting of letters of administration or letters testamentary; and that suit, as in that section is provided, may be instituted, as well before as after settlement made by the probate court.

Legalizing clause.

Sec. 5. That all and singular the proceedings of the associate judges in the several counties in this state, which have taken place at any special session or sessions of said judges, as a court of probate, be, and the same are hereby legalized, and declared to be as valid as though said proceedings had been done and transacted by the associate judges aforesaid, at any of the regular terms designated by law for said judges to do and transact probate business: *Provided*, no judgment of any of the circuit courts,

or of the supreme court of this state, heretofore had in any suit or suits which have originated out of any proceedings of any associate judges, as a probate court, at any special session thereof, shall be affected by this act: *Provided*, the same would have been legal and proper, had they been done at the proper terms for holding said courts.

Sec. 6. That so much of the act, entitled an act providing for the settlement of decedents' estates, and for other purposes, (approved, January 26, 1824,) as gives to the circuit courts original jurisdiction of probate business, be, and the same is hereby repealed, except in cases where the title of real estate may be brought in question.

Sec. 7. The probate courts shall hold an additional session, in their respective counties, on the second Mondays in December, annually, and may sit three days at each term, if the business require it.

Sec. 8. That the probate courts in the county of Green, shall hereafter be held on the Thursdays of the weeks in which the circuit courts for said county are held, and the probate courts in the county of Owen, shall be held on the first Mondays in June and November, and shall severally sit three days each, if the business require it.

CHAPTER XLIX.

An act to provide for printing and distributing the laws and journals of the present session.

[APPROVED, JANUARY 19, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the same number of the laws of the present session, including all the acts and joint resolutions, shall be printed; making out copies for the public printer, and every other concern relative thereto, shall be conducted in the same manner, and otherwise disposed of, as is provided in the second section of the act passed for that purpose, at the last session of the General Assembly, approved, January 26, 1827; and the same duties are hereby required of the said secretary, treasurer, and auditor of state, as devolved upon them by the provisions of the above recited act.

Sec. 2. And all new counties laid off and organized since the year 1824, and which have not received any of code to be the copies of the revised laws of 1823-4, shall each be furnished to entitled to ten copies thereof, and ten copies of the acts of new count's

each subsequent session, previous to the present, which have not been distributed to such new county; which shall be put up and forwarded in the same manner as laws passed at the present session of the General Assembly.

Laws to be bound.

Sec. 4. That the secretary of state is hereby authorized and required, to contract with the bookbinder in this place to bind, in half binding and lettering, all the acts of the present General Assembly.

This act to take effect and be in force from and after its passage.

CHAPTER L.

An act to provide for the purchase of stationary for the use of the General Assembly and also for the public printing.

[APPROVED, DECEMBER 24, 1827.]

Treasurer to purchase stationary.

Be it enacted by the General Assembly of the state of Indiana, That it shall be the duty of the treasurer of state, before the first Monday of December, annually, hereafter, to purchase stationary necessary for the use of the General Assembly, and also for the public printing, and to pay for the same and the transportation thereof, out of any monies in the treasury, not otherwise appropriated.

CHAPTER LI.

An act for the benefit of Peter Charley, Elijah Hurst and John Watkins, late trustees for congressional township numbered three south, and range numbered four, east, in the Jeffersonville district.

[APPROVED, JANUARY 21, 1828.]

Relief to Peter Charley, &c.

Be it enacted by the General Assembly of the state of Indiana, That Peter Charley, Elijah Hurst and John Watkins, be, and they are hereby authorized to present their accounts for their services heretofore rendered, as trustees for congressional township numbered three, south, and range numbered four, east, to the present trustees or their successors in office, who are hereby required to settle with and pay the same, such amount as they may deem right, out of any funds belonging to said township.

CHAPTER LII.

An act for the benefit of Henry Markle.

[APPROVED, JANUARY 17, 1828.]

WHEREAS, It has been represented to this General Assembly, by Henry Markle, of Vigo county, Indiana, that his late brother, William Markle, deceased, bequeathed to him his estate, real and personal, as specified in the will, lying and being in the county of Vigo, aforesaid, and also appointed him and his father Abraham Markle, executors of said last will and testament, that the said executors did not take out letters testamentary; but that he, the said Henry, with the advice and consent of his father, Abraham Markle, took possession of the property, and paid the debts of his said brother, in pursuance of the tenor of the said will, and failed to have the same proven and put upon record, within the provisions of the statute, in such case made and provided: for remedy whereof—

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the said Henry Markle, be, and he is hereby authorized to prove the said will, in the same way and manner, that he would have been authorized to do, had it been done within the provisions of the law; and the same shall be admitted to record, and be of the same force and effect as if it had been recorded within three years.

This act to take effect and be in force from and after its passage.

CHAPTER LIII.

An act for the relief of Caleb Harrison.

[APPROVED, JANUARY 21, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That the superintendent of school section numbered sixteen, in township numbered seventeen, north of range four, east, is hereby authorized and required, on the surrender of the former lease made to the said Caleb Harrison, to make a new lease to him of the northeast quarter of said section, for the term of nine years, from the date of the former lease given to the said Caleb Harrison, by Jacob Whiting, superintendent of the section aforesaid, on the first day of April, in the year eighteen hundred and twenty-two.

CHAPTER LIV.

An act for the relief of Joseph Campbell.

[APPROVED, JANUARY 21, 1823.]

Relief of Joseph Campbell. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the board of justices of Monroe county shall, at their next May session, fix and establish such rates of tolls for passing over a bridge erected by Joseph Campbell, over Bean Blossom creek, near Hartsock's mill, in said county, as shall by said board be deemed just and reasonable; and the said Campbell, his heirs, or assigns, are hereby authorized to ask and receive, of all persons passing over said bridge, the tolls so allowed as aforesaid: *Provided*, that no footman nor person, who may have contributed toward the erection of said bridge, shall be liable to pay tolls; and provided also, that said Campbell, his heirs, or assigns, shall not be allowed to receive any tolls, at any time, unless he or they keep said bridge in good repair, nor for a longer period than six years from and after the first day of May next.

This act to take effect and be in force from and after its passage.

CHAPTER LV.

An act for the relief of Robert Martin.

[APPROVED, JANUARY 23, 1824.]

Relief of Rob't Martin. *Be it enacted by the General Assembly of the state of Indiana*, That the superintendent of school section numbered sixteen, in township numbered fifteen, north, range numbered two, east, be, and he is hereby authorized to enter into a new lease with Robert Martin, on the surrender of a former lease given to the said Martin, on the northeast quarter of said school section; which new lease shall extend the time of the former lease two years, and no longer.

This act to take effect and be in force from and after its passage.

CHAPTER LVI.

An act for the relief of Thomas Wyatt.

[APPROVED, DECEMBER 24, 1827.]

Be it enacted by the General Assembly of the State of Indiana, That from and after the passage of this act, all legal infamy and disqualification whatsoever, which may have attached to Thomas Wyatt, late of Henry county, and state of Indiana, by virtue of a conviction for a rape on the body of Telitha Foster, at the April term of the Henry circuit court, in the year 1826, be, and the same is hereby removed and abolished, as though the said conviction had never taken place.

This act to take effect, and be in force from and after its passage.

CHAPTER LVII.

An act for the relief of William Williams and Jesse Gifford.

[APPROVED, JANUARY 24, 1828.]

WHEREAS, William Williams and Jesse Gifford, citizens of Johnson county, entered into a contract with William Sanders, commissioner on the state road from Franklin, in Johnson county, to Indianapolis, some time in August last, to make a certain number of rods of cross waying, which was to have been completed against a day certain, but in consequence of the great quantity of rain that fell in the time, they were unable to complete the same by the day agreed on, but did complete the same within a short time thereafter; in consequence of which, the said commissioner did not feel himself authorized to pay the said Williams and Gifford, the sum stipulated to be paid them for said work, without the authority of an act of the Legislature to that effect: for remedy whereof,

Be it enacted by the General Assembly of the state of Indiana, That William Sanders, commissioner on the state road from Franklin, in Johnson county, to Indianapolis, be, and he is hereby authorized and required to pay to William Williams and Jesse Gifford, the several sums which may be due them on the contract with said commissioner, agreeably to the contract: *Provided however*, that this act shall not be construed to authorize said commissioner to pay the said Williams and Gifford, or either of

them, unless, at the time of payment, the said work shall be finished according to contract.

This act shall take effect and be in force from and after its passage.

CHAPTER LVIII.

An act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state.

[APPROVED, JANUARY 21, 1828.]

Relief to
purchasers
of lots in In-
dianapolis.

Be it enacted by the General Assembly of the State of Indiana, That all monies, which have been paid by any purchaser or purchasers of lots in the town of Indianapolis, to the agent of said town, as partial payments for lots by him or them purchased, and which lot or lots may have become forfeited to the state, be, and the same is hereby made receivable by said agent, as cash, in any payment hereafter to be made by any debtors to the state, or any lot or lots that have been, or may hereafter be sold, by said agent, under the provisions of any act of the General Assembly of this state, heretofore passed on the subject, by the original purchaser or purchasers of such forfeited lot or lots, his, her, or their assignee or assignees surrendering to the said agent the certificate or certificates of purchase of the lot or lots forfeited as aforesaid.

This act to be in force from and after its passage.

CHAPTER LIX.

An act for the relief of John Spencer, collector of Dearborn county, and for other purposes.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That if the collectors of the state and county revenue for the counties of Dearborn, Switzerland and Wayne, shall severally pay into the State Treasury, on or before the first Monday in April next, all the state revenue due from the counties aforesaid, for the year 1827, then, and in that case, the Treasury officers be, and they are hereby directed to remit the damages, which, by the revenues laws have accrued thereon.

Sec. 2. That each and every collector of the several counties in this state, who have settled or may settle up the the full amount of the state revenue due from their respective counties with the Treasurer of State, on or before the 26th day of January, 1828, shall not be compelled to pay the forfeiture and per centum now imposed by law, for failing to pay their respective amounts, previous to the second Monday in December last.

This act to take effect from and after its passage.

CHAPTER LX.

An act for the benefit of the devisees of Thomas Watts deceased.

[APPROVED, JANUARY 11, 1828.]

WHEREAS, it appears to the General Assembly of the state of Indiana, that Thomas Watts, in his life time, and John Watts, purchased by entry of the United States, fractional section numbered twenty-nine, in township five, of range numbered three, west of the meridian, lying and being in Dearborn county, and that a division thereof was made, by and between the said Thomas and John Watts, he, the said Thomas, retaining the south end of said fraction; since which, and before the said division was perfected by conveyance, the said Thomas Watts departed this life, leaving said land to sundry devisees, in whose names, with the said John Watts, the said land is patented, constituting them tenants in common: THEREFORE:

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That all the right, title and claim, to which Relief of the devisees of Thomas Watts deceased, are entitled to Watts' devisees. the part of the fractional section numbered twenty-nine, township five, range three, which lies north of a line drawn from the centre of the section, running east and west, be, and the same is hereby fully and absolutely vested in John Watts, in fee forever, and all the right and title of the said John Watts, to the part of said fractional section, lying south of said central line, be, and the same is hereby fully and absolutely vested in the devisees of the said Thomas Watts, in fee forever.

Sec. 2. And be it further enacted, That all that part of said fractional section, so as above secured to the devisees aforesaid, of Thomas Watts, shall be sold at public vendue, for the best price it will bring, by Daniel Kelso, of Dearborn county, who is hereby appointed a commissioner

for that purpose, and who is required to give six weeks notice of such sale, in the Indiana Palladium, published at Lawrenceburgh. The said commissioner is directed to allow a credit of twelve months, at said sale, on bond with approved security being given, being freehold, for payment of the purchase money to John Watts, administrator of the estate of said Thomas Watts, with the will annexed; and on production of the receipt therefor, of the said administrator, the said commissioner is authorized to convey the said tract last named, in fee simple to the purchasers, reserving however the lease of Polly Shepherd, which is to be and remain ensured on said tract, as originally given. The said commissioner shall be allowed one dollar and fifty cents per day, whilst engaged as above authorized; and the circuit court of Dearborn county is authorized to appoint a substitute for said commissioner if necessary.

This act to take effect from and after its publication.

CHAPTER LXI.

An act to revive an act, entitled an act, for the relief of such persons as have suffered, or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes, in the year 1814: passed, 7th September, 1814.

[APPROVED, JANUARY 11, 1823.]

Be it enacted by the General Assembly of the state of Indiana, That the act to revive an act, entitled an act, for the relief of such persons as have suffered, or may hereafter suffer, by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes, in the year one thousand eight hundred and fourteen; approved, September 7, 1814; adopted for five years; and approved, January 22, 1820, be and the same is hereby revived.

CHAPTER LXII.

An act to amend an act, entitled an act for the benefit of persons who have, or are likely to suffer, by the destruction of the records of Dearborn county, which were consumed by fire, in the court house at Lawrenceburgh, on the morning of the sixth of March, 1826; approved, January 11, 1827.

[APPROVED, JANUARY 7, 1828.]

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That John Porter of Lawrenceburgh, in the county of Dearborn, be, and he is hereby appointed a commissioner, with full power to carry all the provisions of the act to which this is an amendment, into full effect, in the same manner the commissioners in said act were empowered to do, except as hereinafter mentioned.

Sec. 2. That the said commissioner, hereby appointed, shall continue in office until the last Monday in January, 1829; and shall attend to the duties herein required, on the fourth Mondays of March, July and October, and continue one week, if the business require it.

Sec. 3. That in case of the refusal, death or resignation of said commissioner, the circuit court of Dearborn county, shall, and are hereby authorized to appoint some suitable person to fill such vacancy.

Sec. 4. That so much of the act above referred to, as comes within the purview of this act, be, and the same is hereby repealed.

This act shall take effect and be in force from and after its publication in the Indiana Palladium, a weekly newspaper printed and published in the town of Lawrenceburgh, in said county of Dearborn.

CHAPTER LXIII.

An act to authorize persons to retail spiritous liquors without the requisitions of a tavern keeper.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, That the several courts doing county business in this state, are hereby authorized to license, as retailers of spiritous or strong liquors, foreign and domestic groceries, any person or persons who may apply therefor, for a term not less than one year, without requiring said per-

son or persons to be obligated to keep on hand the bedding and stabling, with other accommodations, necessary for the comfort and convenience of travellers.

Mode of obtaining license.

Sec. 2. Before any person or persons shall be entitled to obtain license, under the provisions of this act, he, she, or they shall produce the certificate of at least twelve respectable freeholders of the town or township where the applicant resides, that the person or persons applying for a license, is, or are of good moral character; and it shall be his, her, or their duty to enter into bond, in the same manner, and under the same restrictions, requisitions and conditions, as are required by the act to license and regulate taverns, approved, January 20, 1824, except as to the keeping on hand the bedding and stabling as aforesaid; and shall be governed in every respect as persons who obtain license under the last mentioned act: *Provided*, That no license shall be granted to any person, residing within any town or township, where a majority of the freeholders in such town or township shall remonstrate against the granting of the same.

Tax upon licenses.

Sec. 3. The person or persons obtaining such license, shall pay to the county treasurer, the full amount that may be fixed by the court doing county business, before said license shall authorize him, her or them, to vend or retail spiritous or strong liquors, foreign and domestic groceries; and the amount, to be fixed by the court, shall not be less than the lowest tavern license in the county where such person or persons may so apply for license, to vend and retail spiritous or strong liquors, foreign and domestic groceries, under this act: *Provided*, That it shall be lawful for merchants licensed to vend goods, to sell foreign liquors by the small, for the use of the sick.

Crediting above \$1 not recoverable.

Sec. 4. If any person or retailer shall sell or credit to a greater amount than one dollar, such person or retailer shall not have the benefit of the laws of this state for the collection of the same.

CHAPTER LXIV.

An act to amend the several acts now in force in this state, relative to assessing and collecting the revenue.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That so much of the above named act, and the several acts of which the same is an amendment, as authorizes or requires the board of justices, or other board

doing county business, to appoint a collector for state and county revenue, at their January board or session, be, and the same is hereby repealed; and the said boards or courts doing county business, are hereby authorized and required to appoint collectors for the state and county revenue at their May board or session; and no person who may have been a prior collector, and who has not at said May board or session paid and settled off the last, and all prior revenue, shall not be eligible to be appointed such collector.

Collectors to be appointed at the May session.

Sec. 2. It is hereby made the duty of the clerk of the circuit court in each county, to calculate and carry out the amount of tax on all land, polls, and other property, listed and returned by each lister on their books returned to the clerk's office; and it shall hereafter be the duty of listers only to return a list of the taxable property in their respective counties or townships, without making and carrying out the amount of taxes due thereon.

Clerks to calculate and carry out the amount of taxes.

Sec. 3. It shall be the duty of the boards doing county business, in the several counties, to strike from the delinquent lists, returned by any collector, all lands which have been double listed, or lands on which the taxes have been paid; and also, correct all manner of errors which may happen to exist, and also strike off all polls where there is no probability that the tax thereon can be collected, and to see that the clerk of their county makes due return of delinquent lists of former years, to the proper collector every year.

Lists to be corrected.

Sec. 4. Whenever it may hereafter happen, or may have heretofore happened, that the collector of any county shall have unavoidably failed to offer for sale the delinquent lands of his county; or may have offered the same for sale, and the purchaser thereof shall refuse to pay the collector the amount due thereon, it shall be the duty of such collector, in both the aforesaid cases, to again advertise and sell such land on the first Monday in April, next succeeding such transactions, and such advertising and sale on the first Monday in April, shall in all things be governed by the laws now in force, and shall be as legal and valid, to all intents and purposes, as such sales would have been, had they been made on the proper day in the month of November, as prescribed by the law now in force on that subject.

Collectors may re-sell lands for taxes in certain cases.

Sec. 5. It shall be the duty of any person or persons, who may wish to redeem any lot or tract of land which may have been sold for the non-payment of taxes, by depositing the redemption money with the clerk of the circuit court, agreeably to the provisions of the acts to which this is an amendment, to pay the clerk of such circuit

Clerk's fees.

court, for the use of such clerk, the sum of twenty-five cents, at the time of depositing such redemption money.

Certain persons exempt from poll tax. Sec. 6. Nothing in the twenty-third section of an act, to amend an act for assessing and collecting the revenue, approved, February 12, 1825, shall be construed to authorize the collector of any county to assess and collect a poll tax, for state or county purposes, from any person who may not have been a resident of such county on the first Monday of May in each year.

State property exempt. Sec. 7. Nothing in this act, nor in the several acts to which this is an amendment, shall be construed to authorize any board or court doing county business, to lay a tax on any ferry or other property belonging to the state. This act shall be in force from and after its passage.

CHAPTER LXV.

An act respecting the state and county revenue of the county of Clay, for the year one thousand eight hundred and twenty-six.

[APPROVED, JANUARY 5, 1828.]

WHEREAS it is represented to this General Assembly, that the collector of the state and county revenue for the county of Clay, for the year one thousand eight hundred and twenty-six, failed to pay over, according to law, said revenue, and pleads as an excuse therefor, that he never collected the same, in consequence of his having been illegally appointed; and whereas it is doubted whether the assessment rolls, and amount of state and county revenue, as assessed and made out by the assessor and county board of justices of said county of Clay, for the year 1826, is legal or not; for remedy whereof,

Provision for collecting the revenue of Clay county for 1826. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the assessment rolls and taxations of the said state and county revenue, for the year 1826, as made out by the assessor and board of justices of the said county of Clay, be, and the same is hereby declared legal, good and valid, both in law and equity, to all intents and purposes whatever.

Sec. 2. It is hereby made the duty of the clerk of the circuit court of the said county of Clay, when he makes out the assessment rolls of the state and county revenue for the year 1828, and the writ for the collection thereof, for the collector of said revenue for the year 1828, to also make out and deliver to said collector for the year 1828, a copy of the assessment rolls of the state and county reve-

nue, of said county of Clay, for the year 1826, aforesaid; and also a writ commanding said collector for the year 1828, to collect the same; and the said collector for the year 1828, is hereby authorized, empowered and required to collect the said state and county revenue for said county, for the year 1826, in the same way and manner, and for the same pay, and under the same laws, restrictions and penalties, that he is or may be bound to collect the state and county revenue, in said county for the year 1828; and shall pay the same over, under the same laws and penalties, and in the same way, and at the same time and place, that he is bound to pay over the state and county revenue of said county for the year 1828.

Sec. 3. If it shall be found by the collector for the year 1828, that the collector for the year 1826, has collected any of the state and county revenue for the year 1826, aforesaid, the said collector for the year 1828, shall keep a statement of the same, and make return of the person's names having so paid to the collector aforesaid for the year 1826, and the amount separately of the state and county revenue, which each person may have so paid to the said collector for the year 1826; and the said collector for the year 1828, aforesaid, shall have a credit for the amount thereof.

Sec. 4. So soon as it may be ascertained what amount of the said state and county revenue of the said county, of the year 1826, has been collected by the said collector, for the year 1826, aforesaid; suit shall be brought against him and his securities for the amount thereof, in the same way and manner that suit is brought against delinquent collectors; and the same judgment shall be rendered thereon.

Sec. 5. The Secretary of State, he, and he is hereby required, forthwith to forward a copy of this act, under the seal of the state, to the clerk of the circuit court of the said county of Clay.

This act shall take effect and be in force from and after its passage.

CHAPTER LXVI.

An act providing for the re-payment of certain moneys to the county of Delaware.

[APPROVED, JANUARY 14, 1828.]

Provision to ascertain the amount due. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the board of justices of Randolph county shall, and they are hereby required at their next ensuing July session, to ascertain as near as practicable by a reference to the collectors list, and such other information as may be necessary, the whole amount of county tax assessed and collected within the county of Delaware, for the year one thousand eight hundred and twenty-seven, and paid into the treasury of the aforesaid county of Randolph.

For re-payment of the amount improperly collected by Randolph. Sec. 2. When the nett amount of said tax, which has been collected, shall be ascertained, said board shall deduct therefrom a reasonable sum for listing, and the legal per centum for collecting the same; and the remainder of said tax, shall be subject to the draft of the county of Delaware, by order of the board of said county, through their proper officer, the receipt of which officer, given to the treasurer of Randolph county, for the payment aforesaid, shall be his voucher on a settlement as treasurer of said county.

CHAPTER LXVII.

An act to establish a state road from Carlisle, in Sullivan county, to Spencer, in Owen county.

[APPROVED, JANUARY 23, 1828.]

From Carlisle to Spencer. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Maxwell, of Sullivan county, Martin Wines, of Green county, and Levi Beem, of Owen county, be, and they are hereby appointed commissioners to view and mark a state road from Carlisle, in Sullivan county, by Richard Maxwell's, in Green county, and Hubble's mill, on Eel river; thence to the old state road leading from Spencer to Washington, in Daviess county, at some convenient point at or near Spencer, in Owen county.

Sec. 2. The said commissioners shall meet at the town of Carlisle, on the first Monday in June next, or as soon after as a majority of them may agree on; and after taking an oath faithfully and impartially to discharge the

duties required of them by this act, shall proceed to view and mark said road, and shall, within thirty days after the location thereof, cause a report to be filed in each of the clerks' offices of the counties of Sullivan, Green and Owen; which report shall be recorded by the said clerks, in the record book of the persons doing county business in the said counties, within ten days after the filing of the same.

Sec. 3. It shall be the duty of the board of justices of their respective counties, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding thirty-three feet, and made agreeably to, and under the provisions of, the several acts that now are, or may hereafter be in force, for opening and repairing public roads and highways.

Sec. 4. Should any vacancy happen by death, resignation, or refusal to qualify, of either of the commissioners aforesaid, it shall be the duty of the persons doing county business, in which such commissioner or commissioners reside or resides, to fill such vacancy; and the said persons doing county business are hereby authorized to hold a special session for that purpose, if necessary.

Sec. 5. It is hereby made the duty of the persons doing county business in the aforesaid counties, to allow to each of the commissioners aforesaid, such compensation as they may deem just, for their services rendered under the provisions of this act, to be paid out of any monies in the treasury not otherwise appropriated.

CHAPTER XLVIII.

An act to establish a state road from Shelbyville, to intersect the Madison state road in the county of Jennings.

[APPROVED, JANUARY 19, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John Hendricks, of the county of From Shelby, William Morris, of the county of Bartholomew, byville to and Hugh L. Loper, of the county of Jennings, be, and intersect the they are hereby appointed commissioners to view, locate Madison state road. and mark a permanent state road from Shelbyville, in the county of Shelby, to intersect the state road leading from Madison to Indianapolis, on section eighteen, township seven, north of range eight, east, in the county of Jennings.

Sec. 2. The said commissioners, or any two of them, shall meet in the town of Shelbyville, on the first Monday in April next, or any subsequent day that may be agreed

upon by them, and, after taking an oath faithfully and impartially to discharge the duties assigned them by this act, shall proceed to view, locate and mark a permanent state road between the points aforesaid, in as straight a direction as suitable ground for the same can be found.

Sec. 3. When the commissioners shall have located and marked the road as aforesaid, they shall make out a report describing the same, and shall cause a copy of said report to be filed in the office of each of the clerks of the circuit courts, in the several counties through which said road shall have been located; and it is hereby made the duty of the clerks aforesaid, to record the same in the book in which are recorded the proceedings of the board doing county business in their respective counties, within twenty days after the filing of the same. And the boards doing county business, in the said counties, shall cause the said road to be opened and kept in repair, in the same manner and by the same means that county roads are, or ought by law to be opened and repaired.

Sec. 4. The boards doing county business in the counties of Shelby and Jennings, shall make such allowance to the commissioners, as to them shall seem just and reasonable, to be paid out of the treasuries of the said counties. And in case either of the said commissioners shall refuse to serve, or his appointment shall be otherwise vacated, before the fulfilment of the duties required by this act, the board doing county business, in the county where such vacancy shall occur, shall proceed to fill the same.

This act to take effect and be in force from and after its passage.

CHAPTER LXIX.

An act to establish a state road from Newcastle, in Henry county, to Lafayette, in Tippecanoe county.

[APPROVED, JANUARY 21, 1828.]

From Newcastle to Lafayette.
Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Scott, of the county of Madison, Zenas Beckwith, of the county of Hamilton, Morgan Shortledge, of the county of Tippecanoe, be, and they are hereby appointed commissioners, to view and mark a state road from Newcastle, in Henry county, on the nearest and best route through the counties of Madison and Hamilton, to Lafayette, in Tippecanoe county.

Sec. 2. The said commissioners, or any two of them,

shall meet in the town of Newcastle, in the said county of Henry, on the first Monday in June next, or any day thereafter that may be agreed upon by any two of them, and, after taking an oath faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to view and mark said road, and shall, within thirty days after the location thereof, cause a report of the same to be filed in each of the clerks' offices of the several counties through which the same may pass; which report shall, by the said clerks, within ten days thereafter, be recorded in the record book of the proceedings of the several boards doing county business respectively.

Sec. 3. It shall be the duty of the courts doing county business, through which said road shall pass, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding forty-eight feet, and made agreeably to and under the several acts that now are or may hereafter be in force, relative to opening and repairing public roads and highways.

Sec. 4. Should any vacancy happen, by death, resignation, or refusal to qualify, of either of said commissioners appointed by this act, it shall be the duty of the court doing county business in which such commissioner resides, or resided, to appoint some suitable person to fill such vacancy.

Sec. 5. That each of the commissioners aforesaid, shall be entitled to receive one dollar every day by them necessarily employed in the discharge of the duties assigned them by this act, out of the debt due from the state to the three per cent. fund; and the agent of said fund is hereby required to pay the same over to the said commissioners, upon producing their accounts, duly authenticated: *Provided*, the whole amount so paid shall not exceed the sum of fifty dollars.

Sec. 6. This act to take effect and be in force from and after its publication.

CHAPTER LXX.

An act to provide for surveying and marking a road from Lake Michigan to Indianapolis.

[APPROVED, JANUARY 24, 1828.]

From Lake of Indiana to Chester Elliott, of Warwick county, and John I. Neely, Indianapolis.
Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That John McDonald, of Daviess county, Michigan to

of Gibson county, be, and they are hereby appointed commissioners to survey and mark a road from Lake Michigan to Indianapolis, agreeably to the late treaty with the Potawatamie Indians, and the act of Congress, in confirmation thereof.

Sec. 2. The said commissioners, or a majority of them, shall meet at such time and place as the Governor for the time being shall appoint, and after being duly sworn, faithfully and impartially to discharge the duties enjoined on them by this act, shall proceed to examine all the bays, inlets and estuaries of rivers, on that part of Lake Michigan lying within the state of Indiana, in order to ascertain where the best harbor can be had; and if no harbor can be found on that part of the shore of said lake, they shall select such point as they shall deem most eligible for the construction of an artificial harbor, and suitable site for a commercial town; and from the harbor so selected, or the site so found, they shall proceed to survey and mark a road, by the most eligible route, to Indianapolis.

Sec. 3. The said commissioners shall cause an accurate survey to be made of said road, stating its courses and distances; they shall also note the quality of the soil, whether wet or dry; the growth of timber; the elevation of the hills; the crossings of the water courses; the practicability and convenience of procuring materials, and the quality thereof, for the construction of bridges, and such other things as may be necessary or useful in the construction of a permanent road; and it shall be the duty of the commissioners aforesaid, to deposit in the office of the secretary of state, a plot of said road, together with their notes as aforesaid; which report shall be signed by the commissioners, or a majority of them; and it shall be the duty of the secretary of state to lay the same before the General Assembly, at their next session.

Sec. 4. The said commissioners are hereby authorized to employ any necessary assistants, in surveying and marking said road.

Sec. 5. In case any of said commissioners shall refuse to act, resign, die, or vacate his appointment, in any manner whatever, it shall be the duty of the Governor to appoint some reputable, disinterested freeholder, to fill such vacancy, and forthwith notify such person of his appointment.

Sec. 6. The Governor is hereby requested to correspond with the secretary of war, for the purpose of ascertaining how, and in what manner, the state of Indiana shall receive or take possession of the land granted by treaty, for the location and construction of said road; and so soon as the Governor shall have received satisfactory in-

formation on that subject, he shall notify the commissioners aforesaid, of that fact, and also appoint a time and place for them to meet, and commence the discharge of the duties enjoined on them by this act.

CHAPTER LXXI.

An act to establish a state road from Levenworth, in the county of Crawford, via Bono, in Lawrence county, to Indianapolis, and for other purposes.

[APPROVED, JANUARY 21, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Julius Woodford, of Crawford county, John Vanvrankin, of Orange county, William Flinn, of Lawrence county, William Jackson, senior, of Monroe county, and David Marrs, of Marion county, be, and they are hereby appointed commissioners to view, mark and lay out a state road from Levenworth, in the county of Crawford, via Bono, in the county of Lawrence, and thence to Indianapolis, in the county of Marion; and that Joseph Chambers and Andrew Burnsides, of Knox county, Martin Wines, of Green county, and David Johnson, of Owen county, be appointed commissioners to view and mark a road from Vincennes to Spencer, in Owen county, on the nearest and best route.

From Levenworth to Indianapolis

Sec. 2. The said commissioners first above named shall meet at Levenworth, and the said last mentioned commissioners, or any two of them, shall meet at the town of Vincennes, on the first Monday of May next, or so soon thereafter as a majority of them may agree on, who, after being duly sworn, faithfully to discharge the duties assigned them by this act, shall proceed to the discharge of their respective duties; and the commissioners first named shall proceed to view, mark, and locate a road as above, from the town of Levenworth, via Bono, to Indianapolis, on the nearest and best ground, (having respect to public utility,) which can be had, and within thirty days after the location of the same, shall cause a report of said road to be filed in the offices of the clerks of the several counties, through which the same may pass; which report shall by the said clerks, within ten days thereafter, be recorded in the record book of the proceedings of the boards doing county business respectively.

Sec. 3. That Stephen Sparks, of Jackson county, John Wishard, of Johnson county, and Granville Ward, of Monroe county, be, and they are hereby appointed commis-

sioners to view, mark and locate a road from Sparks' ferry, on the east fork of White river, in Jackson county, to intersect the road provided for in the first section of this act, at or near Jackson's salt works, in Monroe county, as they may deem most advisable: *Provided however*, that if the road provided for in the first section of this act, should not be located at the time provided for in the second section thereof, or if it should be found, on examination, to be inexpedient to take said road by Jackson's salt works, in either case it shall be lawful for the commissioners appointed in this section to locate the road on which they are appointed by the most eligible route, so as to intersect some public road in the direction of Indianapolis.

Sec. 4. The commissioners aforesaid shall meet at the house of Stephen Sparks, in Jackson county, on the fourth Monday in May next, or as soon thereafter as a majority of them may agree upon; who, after being duly sworn faithfully and impartially to discharge the duties hereinafter assigned them, shall proceed to view, mark and locate a road from Sparks' ferry, as aforesaid, by the most eligible route, to Jackson's salt works, and from thence to intersect the road provided for in the first section of this act, at some point in the direction of Indianapolis: and it is hereby made the duty of the commissioners aforesaid, within thirty days after they shall have so located said road, to cause a report thereof to be filed in the offices of the several clerks of the counties through which the same may respectively pass; which report shall be recorded by such clerks within ten days after the reception thereof, in the record book of the proceedings of the board doing county business, in the same manner other state roads are recorded.

Sec. 5. It shall be the duty of the boards doing county business in the several counties through which said roads may pass, at their first meeting after the location of said road, to cause the same to be opened any width not exceeding thirty-three feet, and made agreeably to, and under the provisions of, the several acts that now are, or may hereafter be in force, for opening and repairing public roads and highways.

Sec. 6. Should any vacancy happen by death, resignation, or refusal to qualify, on the part of the commissioners, or either of them, appointed by this act, it shall be the duty of the board doing county business in the county in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

Sec. 7. It is hereby made the duty of the board doing county business, in each of the counties through which said road may pass, to make such allowance to the commissioners aforesaid, as they may deem reasonable for

their services as aforesaid, out of any monies in their respective treasuries, not otherwise appropriated: *Provided however*, that the expense of locating all or either of said roads shall be defrayed by each county, in proportion to the distance they, or either of them, may pass through the same: *Provided however*, that nothing in this act shall be so construed as to authorize the commissioners, in locating said road from Leavenworth to Indianapolis, to locate the same through Orange county, unless said commissioners should think it proper and advantageous to adopt the road leading from Leavenworth to the mouth of Fishing Creek, as a part of said road; then and in that case, the commissioners aforesaid shall commence their location at a point where the last mentioned road, so adopted, crosses the line dividing the counties of Orange and Lawrence.

CHAPTER LXXII.

An act to amend an act, entitled an act to establish a state road from Terre Haute to Fort Wayne.

[APPROVED, JANUARY 24, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That so much of the act to which this is an amendment, as appoints Josephus Collett and John M. Colman, commissioners on said road, be, and the same is hereby repealed, and that Samuel Milroy, of Carroll county, and Francis Comparet, of Allen county, be, and they are hereby appointed commissioners on said road; and that the same is hereby declared a public state road, and by this act established and extended through Fort Wayne to the Ohio line, on a direction for Fort Meigs. That the act entitled "An act to provide for the continuation of the survey of the state road from Terre Haute to Fort Wayne," approved January 19, 1826, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER LXXIII.

An act for locating and opening a state road from the Ohio river, opposite the Yellow Banks, in Kentucky, to Princeton.

[APPROVED, JANUARY 24, 1828.]

From the Ohio, opposite the Yellow Banks, to Princeton

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Chester Elliott, of Warrick county, be, and he is hereby appointed a commissioner, to view and mark a state road from some convenient point on the Ohio river, opposite the Yellow Banks, in Kentucky, on the nearest and best route, to David Luce's, in French Island settlement, to Boonville, in Warrick county, and thence to Princeton, in Gibson county.

Sec. 2. The said commissioner shall proceed, on the first Monday of April next, or on some subsequent day, after taking an oath faithfully to discharge the duties enjoined on him by this act, to view and mark said road; to make all necessary surveys, taking with him a sufficient number of chain carriers and markers, and shall, within thirty days after the location thereof, cause a report of the same to be filed in each of the clerks' offices of the several counties through which the same may pass; which report shall, within ten days thereafter, be recorded in the record book of the several boards of justices respectively.

Sec. 3. *Be it further enacted*, That the sum of fifty dollars be, and the same is hereby appropriated, out of the fund commonly called the three per cent. fund, for defraying the expenses of locating and opening said road.

Sec. 4. *Be it further enacted*, That the agent of the three per cent. fund shall pay over the monies so appropriated to the commissioner aforesaid, whose duty it shall be to apply the same to the opening of said road, under the same rules and regulations prescribed to other commissioners for the opening other state roads.

Sec. 5. *Be it further enacted*, That the commissioner aforesaid, shall be allowed the sum of one dollar per diem, for each and every day he is necessarily employed in locating said road, to be paid out of the monies appropriated as aforesaid; and the said commissioner shall be authorized to make such allowance to chain carriers and markers, as he shall deem reasonable, to be paid out of the monies appropriated as aforesaid.

This act to be in force from and after its passage.

CHAPTER LXXIV.

An act to establish a state road from Indianapolis, via Danville and Rockville, to Montezuma.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Payton Wilson, of the county of Parke, James Talbott, of the county of Putnam, James Thompson, of the county of Hendricks, and Joel Wright, of the county of Marion, be, and they are hereby appointed commissioners, to view, mark and locate a state road from Indianapolis, by the way of Danville, in Hendricks county, and Rockville, in Parke county, to Montezuma; and no more than two of said commissioners shall be employed at any one time, which shall be ascertained by lot among themselves, for which they shall be allowed payment, under the provisions of this act.

From Indianapolis via Danville & Rockville to Montezuma.

Sec. 2. The said commissioners shall meet at the town of Indianapolis, on the first Monday in May next, or so soon thereafter as they, or a majority of them, may agree upon, and, after taking an oath for the faithful discharge of their duty as commissioners aforesaid, shall proceed to view, mark and locate said road, on the nearest and best ground between said points.

Sec. 3. Said commissioners shall give bond and security to be approved of, and appoint one of their number president, and shall be governed in all respects as is directed for the duty and government of road commissioners in an act entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per centum fund for opening said roads;" approved, December 31st, 1821.

Sec. 4. Should any vacancy happen by death, resignation or otherwise of the said commissioners appointed by this act, it shall be the duty of the board doing county business, in the county where such vacancy shall take place, to appoint some suitable person to fill the vacancy.

Sec. 5. That the agent of the three per cent. fund, be, and he is hereby directed to pay all monies now in his hands, or which may hereafter come into his hands, and which is, or would be due to the commissioners on the road located from Indianapolis to Terre Haute, to said first mentioned commissioners, except the sum of seventy-five dollars, which shall be expended on the said road, from Indianapolis by the way of Danville and Rockville to Montezuma, in the same manner other moneys derived from the three per cent. fund, are directed by law to be expended.

Sec. 6. Said commissioners shall receive one dollar per day, for each day they may be necessarily employed in performing their duty as such; and shall pay to the surveyor and chain carriers a reasonable compensation for their services, all of which expenses shall be paid out of the money so appropriated to the locating and opening said road; so much of the act entitled "an act authorizing the laying off certain state roads in this state, and appropriating one hundred thousand dollars of the fund commonly called the three per centum fund for opening said roads," as authorizes the appointment of commissioners on the road from Indianapolis to Terre Haute, be, and the same is hereby repealed.

Sec. 7. That the said sum of seventy-five dollars excepted in the fifth section of this act, be, and the same is hereby appropriated for the purpose of aiding in the construction of a bridge across Otter creek, at Markle's mills, on the state road leading from Terre Haute to Crawfordsville; and the said agent of the three per cent. fund is hereby directed to pay the said sum of seventy-five dollars to the order of the county commissioners of the said county of Vigo, for the purpose aforesaid, so soon as the said bridge may be completed.

Sec. 8. That so much of the act to provide for the surveying of a state road from Indianapolis to Newport, in Vermillion county, Indiana; approved, January 26, 1827, as comes within the purview of this act, be, and the same is hereby repealed.

CHAPTER LXXV.

An act to establish a levee, to preserve the road leading from Vincennes through the lower prairie near to the Wabash river.

[APPROVED, JANUARY 5, 1828.]

WHEREAS, it has been represented by a large portion of the owners and inhabitants of the lower prairie, immediately adjoining the borough of Vincennes, in Knox county, that in consequence of the unfinished state of the levee or embankment in front of their lands, bordering upon a road leading down the margin of the Wabash river, much inconvenience and injury results to the inhabitants; and that the completion and keeping in repair, a levee or embankment, from the south end of the borough aforesaid, to the south end of the prairie owned and inhabited, would greatly conduce to the health

and benefit of the citizens residing near to the same, enhance the value of the owner's property, and be of much public utility. Wherefore:

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That it shall be the duty of the board of justices, or other board doing county business, in the county of Knox, to appoint two commissioners or supervisors, at the first succeeding session after the publication of this act, and annually thereafter, to superintend and cause to be made or erected, by each owner or proprietor of land in the lower prairie, fronting upon the river aforesaid, a good and sufficient levee or embankment, to prevent the overflowing of the same, along the front next to the river Wabash; and each owner or proprietor, together with his property, shall stand bound to make and keep in good repair the said levee or embankment, hereby authorized and provided for, so far as the same may pass through, or in front of his land as aforesaid.

Sec. 2. It shall be the duty of the commissioners or supervisors aforesaid, to give notice in writing to be delivered to the owner or owners of any tract of land as aforesaid, fifteen days at least before the time when any work may be required of them; and in case of the absence of the owner or owners as aforesaid, from Vincennes township, to be left at the dwelling house of such owner or owners, if situated in said township, or published in some public newspaper, if any such there be published in the town of Vincennes; and also, by manuscript advertisements, set up in three of the most public places in the township, if such owner or owners are non-residents, at least sixty days before such time, of the time and place when and where their labor, to make or to repair the work hereby provided, is required; and if any owner or proprietor shall neglect or refuse to make or cause to be made, a good and sufficient levee, or keep the same in repair, under the direction of the supervisors, after due notice has been given, the said supervisors or commissioners, as aforesaid, may proceed to hire laborers to effect and accomplish the work required, and each owner or proprietor shall stand bound for the amount expended for the same, in front of his tract or tracts of land, and his property shall be liable for the payment thereof, as in cases of road delinquencies; and the land road tax, upon the tract liable for the levee hereby authorized, shall be viewed as satisfied by the erection and keeping in repair of the same; and the commissioners or supervisors hereby provided for, shall be liable for neglect of duty, as in cases of neglect of supervisors of roads.

Road from Vincennes through the lower prairie to the Wabash river, to be preserved by a levee:

CHAPTER LXXVI.

An act to locate and open a a state road from Crawfordsville, in Montgomery county, to Indianapolis.

[APPROVED, JANUARY 23, 1828.]

Road from Crawfordsville to Indianapolis.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Dennis Ball of Montgomery county, Demas L. M'Farland of Marion county, and Edward Hobson of Hendricks county, are hereby appointed commissioners, to locate a state road from Crawfordsville, in Montgomery county, to Indianapolis.

Sec. 2. The commissioners aforesaid, shall meet in the town of Indianapolis, on the first Monday of April next, or on some subsequent day, and after being duly sworn, faithfully and impartially to discharge the duties required of them by this act, shall then proceed to mark a road from Indianapolis to Crawfordsville, and the said commissioners shall cause the road to be run the nearest and best way that can be had.

Sec. 3. They shall cause to be made, three plats of said road, one of which shall be filed in the clerk's office of Marion county, one in the clerk's office of Hendricks county, and the other in the clerk's office of Montgomery county.

Sec. 4. That the sum of five hundred dollars, be, and the same is hereby appropriated out of the debt due from the state to the three per centum fund, for monies drawn from the said fund for the use of the Jeffersonville canal, and the treasurer of state is hereby authorized to pay the same over to the agent of the three per cent. fund, out of any moneys in the treasury, not otherwise appropriated, on the first day of April next.

Sec. 5. That the said agent of the three per cent. fund, shall pay over the moneys so appropriated, to the commissioners aforesaid, whose duty it shall be to apply the same to the opening of said road, under the same rules and regulations prescribed to other commissioners, for the opening of other state roads.

Sec. 6. That the commissioners aforesaid, shall be allowed the sum of one dollar per day, for each and every day necessarily employed in locating said road, to be paid out of any moneys appropriated as aforesaid.

Sec. 7. Should any vacancy happen, by death, resignation, or refusal to qualify, of either of the commissioners appointed by this act, it shall be the duty of the board of justices, of the county in which such commissioner resides or resided, to appoint some suitable person to fill such vacancy.

This act to take effect and be in force from and after the first day of April next.

CHAPTER LXXVII.

An act for opening and repairing public roads and highways.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That all public roads and highways established by lawful authority, shall be opened, amended, and kept in repair, agreeably to the directions of this act, and the county commissioners, or other persons doing county business in their respective counties, shall have authority upon application, to make and enforce all orders necessary as well for opening all new roads which may be useful and convenient, as to vacate any public road or part thereof, which upon inquiry shall be found useless and burthensome, within the limits of their respective counties. Courts doing county business shall have power to make and enforce orders for opening and vacating roads.

Sec. 2. That previous to any application being made to the board of county commissioners, or other persons doing county business, for an order to lay out any new road, any person desiring the same, shall advertise in two or more public places in each township, through which such proposed road may be desired to run, thirty days prior to the session aforesaid. Thirty days notice of application to be given.

Sec. 3. Every application for any public road, shall be made by petition, specifying particularly where such road begins, and where the same shall terminate, presented to the county commissioners or persons doing county business of the proper county, signed by at least twelve freeholders, resident in the township or townships through which such road shall be intended to run, three of whom shall be freeholders of the neighbourhood. Application to be made by petition.

Sec. 4. When any petition in form aforesaid shall be presented to any board of commissioners or persons doing county business, praying for an order to lay out a new road through any part of said county, and the board be satisfied that the petitioners have given the necessary notice required by this act, the board shall order such petition to be publicly read, and thereupon shall, if they deem such petition reasonable, or the road prayed for necessary, appoint three disinterested freeholders of the county, which said freeholders or any two of them, after taking an oath or affirmation faithfully and impartially to discharge the duties enjoined on them, as viewers of the road for which they are appointed, shall proceed to view the ground between the two points specified in the petition, and shall with diligence and attention examine, lay out and mark such road on the best ground that a passable way can be obtained, and not to take the same, through any person's enclosure of one years standing without the owners consent, unless Viewers to be appointed. And their duties.

as good a way cannot otherwise be had with convenience to the public; and shall make out a statement of their proceedings, and also a statement whether they deem such road so prayed for, will be of public utility; and certify the same, and return them to the board doing county business, at their session next to be held for said county, and said board on receiving such return, shall cause the same to be publicly read on the day at which such return shall be made, and if no objections are made to such proposed highway, on the reading of the return aforesaid, it shall be the duty of the board, to order the said road to be opened a necessary width, not exceeding forty feet, and made in all other respects convenient for the passage of travellers, and cause a record thereof to be made, which shall thenceforth be deemed a public highway; unless said viewers shall report that said road will not be of public utility, when in that case said board shall not order the same to be opened and established.

Mode of assessing damages in favor of persons injured by the location of roads

Sec. 5. If any person through whose land any proposed public road may run, feels aggrieved thereby, such person may at any time before such road is opened, and not afterwards, set forth his, her or their grievances by way of remonstrance against such proposed road, or any part thereof, presented to the board doing county business, and the said board shall nominate three disinterested freeholders, who shall not be related to any of the parties interested in opening or objecting against such proposed road, and shall assign a day for such freeholders to meet, where such proposed road begins; it shall be the duty of such freeholders respectively, having had five days previous notice from either of the parties, to meet on the day and at the place assigned by the board, and then, or any other day prior to the next session, to which the majority may adjourn, having first taken an oath or affirmation, impartially to assess the damages which such objector or objectors are likely to sustain by reason of such proposed road, in case the same should be opened and continued through his, her or their lands, to review such proposed road, and take into their consideration how much less valuable any tract of land, the property of such objector or objectors will be rendered by reason of such proposed road, should the same be opened and continued through such tract respectively, and shall assess the damages accordingly, and report the same to the next session of the board doing county business, to be held for the proper county; and if two of them agree in assessing damages, order the cost and damages to be paid out of the county treasury; and such road shall be opened, and a record thereof made; but if two of such viewers do not agree in assessing damages, then such objector or objectors shall

pay the costs, and such proposed road, shall be recorded in like manner, as though no objection had been made.

Sec. 6. That objections in time and manner aforesaid to any proposed public road, may be made by any freeholder or householder of the neighborhood through which the same runs, on account of the same being likely to be useless and burthensome to the townships respectively, and when such objections are made, the board doing county business, shall proceed in like manner, by review thereof, as described in the last preceding section of this act; and if the freeholders who review, or any two of them, agree that the said proposed road is likely to be useless and burthensome, if it be opened and kept in repair by the public, then unless the petitioners respectively agree to open and keep in repair such proposed road, at their own private expense, all the proceedings shall be stayed, and the petitioners shall, in either case, pay the costs and charges that may have accrued, but if two of the aforesaid viewers do not report against such proposed road, as likely to become useless and burthensome, the objectors shall pay the costs and charges which have accrued on such review, and the said proposed road shall be ordered to be opened, and a record thereof made, and shall thenceforth be deemed a public highway.

Sec. 7. If any person or persons through whose land any public road shall run, shall be desirous of cultivating such part of his land, it shall be lawful for such person or persons to petition the board doing county business, to permit him, her or them, at his, her or their expense, to turn such road through any part of his, her or their own land, on as good ground and without increasing the distance to the injury of the public; and upon such petition the said board shall appoint three disinterested freeholders who shall proceed to view the ground on which the said road is designed to be turned, and measure the respective distances of that part of the road already established and of the proposed way, until it shall intersect the road established aforesaid, and at the next session of said board shall report the several distances, with their opinion respecting the ground on which the proposed road is to run; and if it shall appear to the satisfaction of the board aforesaid, that the ground on which such new part of the road is designed to run, is equally situated, and that the difference in the distance will not materially injure the public, such board shall permit him, her or them, to turn such road; and on receiving satisfactory assurance that such petitioner or petitioners have opened such road equally convenient for travellers, shall vacate so much of the former road as shall be between the different points of intersections, and record such viewers report; which afterwards shall be a public road or highway.

Mode of changing the route of roads already established.

Mode of
changing
the route of
state roads.

Sec. 8. That if any person or persons shall think himself, herself or themselves aggrieved, by any state road passing through his, her or their lands, and shall be desirous to have any change or alteration in the same, such person or persons may apply to the circuit court of the proper county, by petition, signed by twelve freeholders; which application, as authorized by the ninth section of this act, shall also be made by petition, signed by twelve freeholders of the proper township, to have such part of said road reviewed and altered, particularly setting forth in said petition, the part of said road so prayed to be altered. Whereupon, such circuit court shall appoint three disinterested freeholders of the proper county, as commissioners to view such proposed alteration of such road, which said commissioners when so appointed shall meet within forty days thereafter, and when so met, shall go before some justice of the peace, and take an oath or affirmation, faithfully and impartially to discharge the duties assigned, and thereupon proceed to view said road, and also the proposed new way; and if reason, justice and the public good require such alteration, they shall accordingly lay off and mark such new way, and shall make a complete return of all their proceedings in writing, to the circuit court, under their hands and seals; and the same shall be filed in the clerk's office, and be recorded where the original road was entered of record; and shall to all intents and purposes, be a part of said state road and shall be opened accordingly, and the old road shall be thereupon vacated.

Mode of
changing
state roads
when the al-
teration ex-
tends into
two counties

Sec. 9. That when any state road shall have been opened and worked upon, and any person or persons shall be desirous of altering the same through his or her lands, or otherwise, such persons may apply to the circuit court, and have the same changed agreeably to the foregoing section; but the old road shall not, in such cases, be vacated or shut up until the person or persons applying as aforesaid, to have the same altered, shall cut, open, and repair the new way, and make it in every particular as good a road as the old one, and the court shall order the same to be recorded, and the old way vacated, as set forth in the eighth section of this act, and when any alterations as aforesaid shall be proposed to extend from one county into another, it shall and may be lawful for twenty-four freeholders of either county to file their petitions, setting forth in the same, the part of the road proposed to be altered with the clerk of the circuit court of the proper county, at least forty days before the commencement of the term at which they make application for such proposed change, and it shall be the duty of the clerk of the county where such petition is filed, forthwith to notify the clerk of the

adjacent county, in writing, that such petition is filed in his office, and also, transmit a copy of the same; and the clerk receiving such information and copy, shall lay the same before the circuit court of his proper county, on the first day of its next term; and it shall be the duty of the court where the petition was filed, and also receiving the information as aforesaid, to appoint, on the part of each county respectively, three disinterested freeholders as commissioners, and the court last named shall fix a day certain, which shall be at least forty days after the rising of said court, for the meeting of the respective commissioners from each county, at the county line dividing said counties, and as near as may be to the point where it may be supposed the new road may cross the same; and it is hereby made the duty of the clerk of the said last mentioned court, forthwith to give information, in writing, to the sheriff of the county where the original petition was filed, of the time and place of meeting of said commissioners, and the said sheriff shall thereupon notify the commissioners of his proper county within five days thereafter.

Sec. 10. That it shall be the duty of the commissioners appointed as aforesaid, to meet at the time and place specified, and, after taking the oath or affirmation prescribed in this act, they shall proceed to discharge the duties assigned them, being governed in all and every particular by the requisitions of the eighth section of this act, except that it shall be the duty of the commissioners to report their proceedings, at the next ensuing term of the circuit court to be holden in their counties respectively; and in all cases where the commissioners appointed as aforesaid, or two of their number, shall report in favor of altering any state road, it shall be the duty of the circuit courts of each county, upon being satisfied that the provisions of the ninth section of this act have been complied with in every particular, by opening the new way, to cause so much of said road as lies in each county, to be recorded as a state road, and also to vacate the old road herein before provided.

Sec. 11. That the commissioners appointed under the provisions of this act, and the surveyors, chain bearers and markers they may necessarily employ, shall severally receive such reasonable pay as the court may allow; which, together with all legal cost, shall be paid by the person or persons applying for such alteration: *Provided*, that in all cases where commissioners are appointed from two adjoining counties, as herein before set forth, it shall be the duty of each county, severally to pay such expenses, in proportion to the length of road that may be in either of said counties; and the court or courts shall enter their order for the payment thereof, in their order book, and shall have

full power to enforce the payment thereof, by compulsory process.

Sec. 12. When any public road or highway shall be considered useless, and the repairing thereof be an unreasonable burthen to the township, and any twelve freeholders or householders of such township, may make application to the board doing county business, in writing signed by such persons, setting forth the situation and other circumstances of the road, which they wish vacated as aforesaid, in a clear and intelligible manner, the same shall, if in the opinion of the board it be reasonable, at the session to which it is presented, be publicly read, on two different days of the session, and no further or other proceedings shall then be had thereon, but the same shall be adjourned to the next session, when the same shall be again read; when, if no objections are made thereto, in writing signed by twelve freeholders or householders, the said board, on any day in the same session, may proceed to vacate such public road, or any part thereof, and the costs and charges shall be defrayed by the county; but if objections, in manner aforesaid, are made, the board shall proceed to appoint viewers, who shall be governed in every respect, as those appointed by the board doing county business, in similar cases; and the judgment of the board shall be conclusive in the premises, if the same be not appealed from, in nine months after giving any such judgment, to the circuit court of the county; which court is hereby authorized to hear and determine the same; and the decision shall be final and conclusive.

Sec. 13. Nothing in this act contained shall be so construed, as to give authority to any board doing county business, or circuit court, to vacate any street or highway in any city, borough, town, or village, in this state, which has been laid out by the proprietors thereof, or by any other person or persons, and dedicated to public use, nor to vacate any roads laid out by order of the board doing county business, which is not repairable at public charge, nor any road or passage claimed by private right, nor to rivers or streams of water.

Each person to work two days, & for land half the amount of the state tax thereon.

Sec. 14. That hereafter, all male inhabitants between the ages of twenty-one and fifty years, except such persons as may be exempted by law, or excused by the boards doing county business, for good cause shewn, shall work public roads and highways two days in each year, for personal privileges; and all persons (non-residents included) being the owners of any real estate, shall pay as a road tax, an amount equal to one half of the state tax chargeable thereon; but each person shall have the right to discharge the road tax imposed upon real estate by working on roads and highways, under the directions of the proper

supervisors of the road districts where the real estate may be situate, at the rate of fifty cents per day; and it is hereby made the duty of the clerks of the circuit courts, to make out a list of the names of all persons holding real estate, whether by patent, deed, bond, or otherwise, and annex them to the amount of the road tax charged thereon, agreeably to the provisions of this act, and deliver the same to the supervisors of the proper road districts, on or before the first day of July, and the said supervisors shall hand the same over to their successors in office; and the boards doing county business are hereby authorized, to make such allowance for such service, to the clerks aforesaid, as they shall deem reasonable. The said clerks, when they make out the duplicate for the current year, shall enter, in a separate column, the amount of the road tax assessed upon real estate of all non-resident proprietors, the gross amount of which they shall certify to the treasurer, at the same time they certify the amount of the county revenue; and it shall be the duty of the collectors of the several counties, to collect the same, and pay it over to the county treasurer, as other county revenue is or ought to be paid: *Provided*, that said collector shall receive in payment of such road tax, the certificate or receipt of the supervisor of the proper road district, and shall file the same with the county treasurer of the proper county.

Clerks to make a list for supervisors, a list of resident land owners

And make the amount of road tax on non-residents upon revenue duplicate.

Collectors to collect the non-resident road tax.

Sec. 15. And if any person made liable by this act, to work on public roads and highways, having had three days notice of the time and place allotted for working any road or highway in his district, shall neglect or refuse to attend in person or by substitute, satisfactory to the supervisor, at any time and place appointed within said district, with an axe, spade, or such other tool or instrument as the supervisor may direct; or, having attended, shall neglect or refuse to obey the supervisor, or spend his time in idleness, he shall forfeit the sum of fifty cents for each day's default, to be recovered by action of debt, in the name of the supervisor, before any justice of the peace of the county where such delinquent resides, or may be found; which sum said supervisor shall be accountable for, and which shall be appropriated and expended in repairing the road in his district. Every supervisor, notifying hands in pursuance of this act, shall be a competent witness to prove such notice, and on any suit brought by a supervisor, pursuant to this act, he shall not be liable for costs.

Penalty for failing to work, or disobeying supervisor.

Sec. 16. Every person who shall, at the request of the supervisor of his road district, furnish a plough or wagon with a pair of horses or oxen, and driver, and with them perform one or more day's work, shall, for each day's

Persons furnishing team, allowed 3 days.

work so performed, receive a credit of three day's work, and so in proportion for services of a similar kind, with greater or less force. In case where the supervisor has not an opportunity of giving personal notice of the time and place allotted for such work, a written notice of such allotments, left at the dwelling house or usual place of residence of the party, shall be deemed sufficient.

Penalty against supervisor for neglect.

Sec. 17. In all cases where the supervisor shall fail or neglect to keep his said road in good repair, or in any manner to comply with the duties required of him by this act, he shall forfeit and pay any sum not exceeding ten dollars for each and every offence, to be recovered by presentment or indictment before any court having competent jurisdiction thereof, unless the said supervisor has used all lawful means in his power to keep said road in repair, then, and in that case, no damages shall be required; which fine shall go to the use of the county seminary, in the county where the forfeiture has accrued.

Supervisors how appointed & their duties.

Sec. 18. The board of commissioners, or other persons doing county business, at their May session to be holden in each and every year, shall appoint a necessary number of householders within their respective townships, to be supervisors of the highways, who shall serve one year; and the said supervisors of the public roads and highways of the several counties, shall be, and they are hereby required and enjoined, as often as the said several roads and highways, within their districts, shall be laid out and directed to be opened or repaired, by lawful authority, to call out all the hands in his district, work upon, open and amend, clear and repair the same, in the most effectual manner, and oversee the said laborers, and keep them close to their business, and take care that the said roads and highways be effectually cleared, amended and repaired, according to the true intent and meaning of this act: *Provided*, that the several counties named in the act, entitled "An act regulating the manner of doing county business in certain counties therein named, and also to elect township officers," approved January twenty-sixth, one thousand eight hundred and twenty-seven, shall elect their supervisors agreeably to the provisions of said act, who, when elected, shall be governed by the provisions of this act.

Road districts, how established.

Sec. 19. It shall be the duty of the several boards doing county business, when they appoint supervisors, to assign to each of them the district of road they are required to open or repair, together with the number of hands allotted them, and cause to be forwarded to each and every supervisor, a certificate of his appointment as supervisor, particularly setting forth the beginning and end of his said district, together with the number of hands, or the boundary in which his hands are contained; and any person

refusing to accept and receive said appointment of supervisor, shall forfeit and pay the sum of six dollars, to be recovered by presentment or indictment: *Provided however*, such person shall not be compelled to accept of such appointment oftener than once in four years. And it shall be the duty of the sheriffs of the several counties in this state, to deliver the appointments, when made out by the clerks of the courts doing county business, and shall make a return of the delivery of such appointments to the respective supervisors, to the clerks aforesaid, which shall be entered in the books in which the proceedings of said courts are entered.

Sec. 20. In order to enable the supervisors the more effectually to discharge their duty, it shall and may be lawful for the supervisors aforesaid, or any other person or persons, by his, her, or their order and direction, to enter upon any lands adjoining to, or lying near the public road in their respective districts, and to cut or open such dams or ditches through the same, as he or they shall judge necessary to completely carry off and drain the water from such roads, doing however as little injury and damage as may be, to the owner of such land; which drains and ditches, when so cut and opened, shall be kept open by said supervisors, if necessary, and shall not be stopped or filled up by the owner or owners of such land, or any other person or persons whatever, under the penalty of five dollars for every such offence, to be recovered before any justice of the peace of any county, and applied to the opening and repairing highways, in the district wherein the offence shall have been committed.

Supervisors may enter on land, make ditches, &c.

Penalty for stopping the same.

Sec. 21. The said supervisors shall have full power and authority, on any unimproved grounds or lands adjoining the roads within their respective townships, to dig, or cause to be dug, any gravel, sand, or stone, or to gather any stone on the said lands, or to cut down any wood or trees growing near or adjoining to the said roads or highways, as they shall think necessary for the purposes aforesaid, but the same shall be done with as little damage as may be to the owner or owners of such land, and the gravel, stone, sand or wood so gathered, dug, or cut, shall be carried off without the hindrance or control of the owner: *Provided*, that if any person shall feel himself or herself aggrieved, by the removal of any timber, stone, or gravel, from his, her, or their lands, such person shall be authorized to apply to the board of county commissioners, or persons doing county business, who shall appoint three discreet and disinterested freeholders, who shall proceed, after having taken an oath or affirmation, faithfully and impartially to examine the premises, and say what is the extent of damage, if any there be, such damage shall be paid out of the county treasury, out of any money therein, not otherwise appropriated.

Supervisors may cut timber, &c. on lands adjoining roads.

Remedy for persons aggrieved thereby.

Mode of
establishing
cart ways.

Sec. 22. If any person or persons shall, for the convenience of themselves, wish to have a cart road laid out from or to the plantation or dwelling house of any person, or to any public highway, the person or persons applying for the same, shall advertise their intentions, as by this law is required, in case of highways; and shall petition the board doing county business of the proper county, who shall cause the same to be publicly read, and shall, if they think proper, order and direct a view of the place where such road is required to be laid out.

Sec. 23. Cart roads laid out in pursuance of this act, shall not exceed eighteen feet in breadth; they shall be recorded, and, from thenceforth, shall be allowed and declared to be common roads or cart ways, for the use and convenience of all such as have occasion to travel the same, and shall be opened by the persons petitioning therefor; and if the said road shall be laid out through any person's unimproved land, then the same shall be valued, as in this act directed in case of persons objecting to public roads or highways, and on the value thereof being paid to the owner or owners of the land, by the person or persons at whose request the same was laid out, they shall have liberty to open said road, agreeably to the order of the board doing county business.

Mode of
changing
the route of
cartways.

Sec. 24. If any owner or owners of any land, through which such cart road may pass, shall be desirous of improving his, her, or their land, they shall be permitted to turn the same, provided the ground on which they purpose turning it is equally as good for a road, and shall not increase the distance more than one twentieth part thereof; and shall be permitted to hang swinging gates upon said road or roads, but shall at all times keep the said gates in good order and repair, under the penalty of one dollar for every offence, to be recovered before any justice of the peace in any county wherein the offence shall have been committed, by any person prosecuting for the same, one moiety thereof to the prosecutor, and the other moiety towards keeping said roads in repair.

Supervisors
to keep
up finger
boards.

Sec. 25. It shall be the duty of each and every supervisor, within their respective districts, to erect and keep a post at the forks of every public road or highway, therein containing an inscription, in legible characters, directing the way and mentioning the most remarkable place on each road respectively; and on failure so to do, shall forfeit and pay any sum not exceeding five dollars; and if any person shall demolish any such post, deface or alter any inscription thereon, done with an intent to destroy the utility of such sign, he, she, or they, so offending, shall, for every such offence, forfeit and pay to the supervisor of such road respectively, the sum of ten dollars, to be recovered before any justice of the peace

Penalty for
defacing fin-
ger boards.

of the county wherein the offence shall have been committed, for the use of such district respectively.

Sec. 26. That if any person shall obstruct any road laid out, or to be kept in repair under the authority of law, and shall suffer such obstruction to remain, to the hindrance of passengers, such person so offending shall forfeit and pay, for every such offence, any sum not exceeding ten dollars, to be recovered, with costs of suit, in the name of the supervisor in whose district such road may be obstructed; and it shall be the duty of the supervisors respectively, as often as they are informed of such obstruction, to commence suit against the person obstructing the same, before any justice of the peace of the county where the offence shall happen, and upon the oath of one or more credible witness or witnesses, judgment shall be rendered, and collected as other debts are of a similar amount; and if any person fined as aforesaid, shall suffer such obstruction to remain, to the hindrance of passengers as aforesaid, such person shall forfeit the sum of one dollar for each day he may suffer such obstruction to remain, to be recovered before any justice of the peace, in manner and form aforesaid.

Penalty for
obstructing
roads, and
suffering
them to con-
tinue.

Sec. 27. That the supervisors appointed under the provisions of this act, as a compensation for their services, shall receive the sum of fifty cents for each day they may be necessarily employed in discharge of the duties required by this act, to be paid out of the county treasury, in addition to the number of days he may be required to work by law, and shall make out a statement, under oath, of the services for which he may be allowed compensation, to be presented to the board doing county business: *Provided*, that no supervisor shall charge for more than two day's services in any one year.

Sec. 28. When any public road or highway shall run through, or border on, any plantation, and shall become obstructed by the falling of trees, or otherwise, it shall be the duty of the owner of such plantation to remove such obstruction, so soon as the same shall come to his knowledge, for which the supervisor of such road shall make him a reasonable allowance, and give him a credit therefor, on the number of days he may be liable by law to work on roads and highways.

Owners of
plantations
to remove
obstructions
within or
adjoining
thereto.

Sec. 29. Whenever hereafter, in the opinion of the board doing county business of any county, the public convenience shall require that a bridge or bridges should be built, over any water course within their respective counties, where any public road shall cross the same, they shall direct the supervisors to build the same, if they should deem it expedient, or they may appoint three disinterested persons, residents in the township in which such bridge or bridges, is, or are to be built, whose duty it shall

Mode of
erecting
bridges.

be to advertise, throughout the county, the time and place where they shall attend for the purpose of contracting with some fit person or persons, for the building of such bridge or bridges, after such plan or manner as they shall direct, upon the most advantageous terms which can be had, and which will be the most permanent and beneficial; which contract shall be in writing, signed by the parties contracting, and filed in the clerk's office of the proper county, to be by him preserved; and the several boards doing county business shall allow the superintendents a reasonable compensation for their services as such.

Superintendents to be sworn.

Sec. 30. The superintendents appointed by the board doing county business under the provisions of this act, shall, before they enter upon the duties of their said office, take and subscribe, before some justice of the peace of the proper county, an oath or affirmation, faithfully and impartially to discharge the duties of their office; and the justice administering the same shall, within ten days thereafter, transmit a certified copy to the clerk of the proper county, to be filed in his office.

Sec. 31. In all cases, bond and security shall be required from the undertaker, which security shall be approved of by the board doing county business.

Sec. 32. It shall be lawful for the board doing county business, to receive from individuals subscriptions and other donations, which they may think proper to contribute towards the building of any bridge or bridges, and which shall be applied accordingly.

Bridges may be built by authority of co. courts by individuals.

Sec. 33. *Be it further enacted*, That if, in the opinion of the board doing county business, it would be for the benefit of the citizens of their county, to have a bridge built over any creek or water course, where money cannot be had by donations to build such bridge, nor by taxation, without oppressing the people of the county, they are hereby authorized to empower any individual or individuals, who are willing to undertake to build the same, under the same rules and regulations that ferries are established: *Provided*, the person or persons building such bridge, shall always be bound to transfer the same to the county, at ten per cent. on cost, when the board doing county business are willing to purchase it.

County revenue applied to building bridges.

Sec. 34. That the board doing county business may appropriate any money that now is, or may hereafter come into the county treasury, belonging to the road funds, to the building of bridges over any place in said county; or they may, if they deem it expedient, order the collector or treasurer of the county to pay the same over to the supervisors, in the districts from which the same was, or is to be collected, to be applied by said supervisors to the opening and repairing the roads in their several districts.

Sec. 35. This act shall not be so construed as to effect in any manner the appointment of road commissioners, viewers or supervisors of highways, or the mode of laying off roads by township boards, where such officers are now by law elected, by the several townships in such counties: *Provided*, That nothing in this act shall prevent the boards of justices of the counties of Randolph, Orange, Crawford, Pike, Monroe, Posey, Sullivan, Spencer, Perry, Gibson and Harrison, from working the roads in the manner now authorized by law.

Sec. 36. In case of the failure of non-residents to work on the roads, agreeably to the provisions of this act, or pay into the county treasury the amount of road tax which may be due from them, on or before the first day of December in each year, it shall be the duty of the supervisors respectively, in the county, to return a list of all non-resident delinquents, within their bounds respectively, to the clerk of the circuit court of the proper county, with the amount due from each non-resident, who may own lands in their respective districts or bounds, who shall file a list of the same in his office, and make out a copy for the sheriff or collector of all such lists so returned, who shall immediately advertise the same in some public newspaper in the county, and if there should not be any published in the county, then in the nearest one to such county, for four weeks successively, that he will expose to sale the land or lands of such non-residents for the payment of the sum or sums so due and in arrear; and on sale thereof, the sheriff or collector shall sell to the highest bidder, so much of the most southerly part of such tract or tracts of land as will pay the amount due, with costs of advertising and selling the same, and give to the purchaser a certificate therefor, upon the same principles, and subject to the same mode of redemption as other lands are, when sold for the non-payment of state and county taxes, but not otherwise; which money, when so collected, shall be paid over by the sheriff or collector, to the supervisors of roads in the townships where such non-resident's lands are situated, to be laid out by such supervisors in opening and keeping in repair the road or roads assigned to him or them: *Provided*, That the said sheriff or collector, in advertising the said lands, shall designate each tract, and the amount due thereon.

Mode of enforcing the collection of non-residents' road tax.

Sec. 37. That all laws, heretofore in force relative to opening and repairing public roads and highways, be, and the same is hereby repealed; and twenty-five hundred copies of this act shall be printed in pamphlet form, separate from the laws of the present session, and shall be distributed in the respective counties of this state, with the laws and journals of this session.

CHAPTER LXXVIII.

An act authorizing the leasing of Royse's lick and Rock lick reserves, in the county of Washington.

[APPROVED, JANUARY 7, 1828.]

Superintendent appointed. Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That Elisha Denny, of Washington county, be, and he is hereby appointed superintendent of section numbered fifteen, in township two, north of range four, east, commonly called by the name of Royse's lick reserve, and also of the Saline reserve, commonly known by the name of Rock lick reserve, in the county aforesaid.

To give bond. Sec. 2. The said superintendent shall, before entering upon the duties of said appointment, give bond to the state of Indiana, in the penalty of two hundred dollars, with security to be approved of by the clerk of the circuit court of the county aforesaid, conditioned for the faithful performance of the duties of his said trust, and for the paying over all such moneys as may come to his hands by virtue of his said appointment, agreeably to the provisions of this act, and any acts that may hereafter be passed in relation thereto.

His powers and duties. Sec. 3. Said superintendent shall have power and authority to lease by quarter sections for the term of one year, from the tenth day of March in each and every year, the reservations aforesaid, for the best price that can be had in cash, for the same, to be paid on the first day of January next, after the conclusion of the contract so made, for which purpose said superintendent shall give notice by putting up advertisements, at least at three of the most public places in the neighborhood, for the space of ten days, that he will on some day certain, in the month of March, offer to the best bidder the use and occupancy of such portions of said reserves as he may determine to lease for the ensuing year, stating particularly the conditions of such lease; and it shall be the duty of said superintendent to take of the lessee or lessees, bond and approved security, for the faithful performance of the stipulations of their respective contracts, which shall provide for the due payment of the rents, for preventing the waste of timber and for a peaceable surrender of the premises leased, at the end of the term.

Sec. 4. It shall be the duty of the said superintendent to pay over to the state treasurer all monies received from such lessees on the first Monday of December annually taking the said treasurer's receipt for the same.

Vacancy how filled. Sec. 5. In case of the refusal of the said superintendent hereby appointed, to accept of the appointment, and give bond, as prescribed by this act, or in case of the death,

removal or resignation of such superintendent, or of any successor to him, the board of justices of Washington county, at their next session thereafter, or at any other subsequent session, shall fill such vacancy by appointment; and the person so appointed, shall be governed in all respects as provided in this act.

Sec. 6. In case of the failure from any cause whatever of the superintendent, to make the leasing contracts aforesaid, at the time or times specified in this act, it shall be lawful for said superintendent to make private contracts in relation thereto, at any time he may conceive the interest of the state may require the same, which contracts, so made, shall in all other respects be governed by the provisions in this act contained.

Sec. 7. The board of justices of said county of Washington, shall annually make to such superintendent, such allowance for his services, as they may deem reasonable, which allowance shall be certified by the clerk of said board, to the Auditor of public accounts, who shall thereupon issue a warrant on the state treasury, for the payment of such allowance, which shall be paid out of any monies in the treasury arising from the leases aforesaid.

This act to take effect and be in force from and after its passage.

CHAPTER LXXIX.

An act supplemental to the act entitled an act to establish a board of trustees for the promotion of schools and education in Clark's Grant.

[APPROVED, JANUARY 19, 1828.]

Be it enacted by the General Assembly of the State of Indiana, That the president and trustees, for the promotion of schools and education in Clark's Grant, shall have full power, at any time that there may be a vacancy in their board, either by the death, resignation, or removal of any trustee, from the school district in which he is elected, or by the failure of the qualified voters in any school district, to elect a trustee in pursuance of the order of the circuit court of Clark county, or of the said president and trustees, to order an election of a trustee in the proper school district, to fill such vacancy; and it shall be the duty of the sheriff of Clark county, to notify the qualified electors of such school district, of such election, in like manner as directed in the act to which this is a supplement; and the person who may be elected a trustee at such election, shall give

Vacancies in the office of district trustee in Clark's grant how filled.

bond in like manner as directed in the second section of the aforesaid act, and shall hold his appointment during the term for which he may be elected, and until a successor may be chosen and qualified.

CHAPTER LXXX.

An act to enable the inhabitants of the Congressional townships, in the several counties in this state, to express their assent, or dissent, to the sale of the sixteenth section, in their respective townships.

[APPROVED, JANUARY 24, 1828.]

WHEREAS, an opinion has become prevalent, that a sale of the sixteenth section of the several Congressional townships of this state, for the purpose of having the proceeds thereof vested in a school fund, to be forever applied to the use of the inhabitants of the respective townships, in the support of common schools therein, will be of public utility; and whereas the consent of the inhabitants of each township is necessary to authorize such sale: therefore, to enable the inhabitants of the Congressional townships in this state, clearly to express their sentiments on this subject:

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That there shall be a meeting of the qualified voters of each Congressional township, in the several counties in this state, wherein there are twenty qualified electors resident, to be held on the fourth Monday in August next, at such place in said township as the sheriff shall appoint; notice of which shall be given by written advertisements set up at three of the most public places in each township, thirty days, at least, preceding the said fourth Monday in August.

Sec. 2. Whenever twenty qualified electors shall have assembled, in pursuance of the above notice, they shall proceed by a majority of voices present, to elect three judges and two clerks, who shall superintend, count, register, certify and return, the votes taken at such meeting in pursuance of this act. So soon as the said judges and clerks shall be elected, an oath or affirmation shall be administered to them, by some person authorized to administer oaths, faithfully to discharge their duties as judges and clerks of said election.

Sec. 3. Whenever the meeting shall be organized by the election and qualification of the judges and clerks, as aforesaid, it shall be the duty of the judges to make pro-

clamation, that said meeting is held to receive the votes of all the qualified electors in said township, for or against a sale of the sixteenth section of land in the township aforesaid the proceeds of which are to be forever appropriated to the support of common schools in said township; after which, the said judges shall invite the said electors to vote for or against a sale of the section aforesaid; which vote shall be expressed by a written ballot in this form, "sale," or "no sale," which written ballots shall be received by the judges, in a box or hat, and shall be recorded by the clerks.

Sec. 4. It shall be the duty of the judges to certify and seal a list of the votes so taken, and transmit the same, within ten days thereafter, to the clerk of the circuit court of the proper county, who shall open, count and register the same, and from said register make out a transcript of all the votes taken in the several townships of his county, stating distinctly the number taken in each township, separately; which transcript, under his hand and official seal, he shall transmit to the secretary of state, on or before the first Monday in December next; whose duty it shall be to lay the same forthwith before each branch of the General Assembly.

Sec. 5. It shall be the duty of the sheriffs of the several counties in this state, to give the notices required in this act; and wherever a township is situated in two counties, the sheriff of that county in which the sixteenth section is situated shall notify the inhabitants of the whole township; and it shall be the duty of the several clerks of county courts, in the respective counties, to perform the duties herein enjoined on them; for which said sheriffs and clerks shall be allowed such reasonable compensation, out of their respective county treasuries, as the court or board doing county business shall determine.

Sec. 6. In case of the failure of the inhabitants of any congressional township, from any cause whatever, to hold a meeting on the said fourth Monday in August, it shall be lawful for them to meet at any other time, prior to the fourth Monday of November, on the sheriff's appointing a time and place, and giving thirty days notice of the same, as before required; which, on application of any three of the qualified electors of the township so failing to meet, he shall be required to do; and said meeting and election shall be governed in every respect by the provisions of this act.

Sec. 7. That in all counties in which the circuit court may be holden on the fourth Monday of August, the meetings provided for by the first section of this act, shall be on the preceding Monday.

CHAPTER LXXXI.

And act to authorize the leasing a part of section sixteen, in township numbered fifteen, north of range numbered seven, east, in the county of Hancock, and for other purposes.

[APPROVED, JANUARY 24, 1828.]

Lease au-
thorized.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the trustees now appointed, or that may hereafter be appointed, to superintend the school section in township numbered fifteen, north of range No. seven, east, in the county of Hancock, be, and they are hereby authorized to lease the southwest quarter of said school section, to Othniel H. Sweem, for the purpose of building a mill thereon, for any term of time not exceeding twenty years, as they in their discretion may find will most increase the value of said school section, and seem most conducive to the public good.

Conditions.

Sec. 2. That Othniel H. Sweem shall be bound to build a mill on said southwest quarter section, and to complete the same within two years from the time he may enter into the contract with said trustees so to do; said mill, when built, shall be of the most durable timber, and every thing relative to the same, to be made in a workman-like manner, and when left at the expiration of said lease, shall be in good repair. The lessee shall have all the privileges that are given by law to other lessees of public lands.

Sec. 3. It is hereby made the duty of the trustees of said school section, to take good and sufficient security for the faithful performance of said contract.

Sec. 4. That Robert Kinworthy, of Wayne county, be, and he is hereby authorized to dig a mill race, through the south part of section sixteen, in township eighteen, of range fourteen, in Randolph county: *Provided*, the consent of the superintendent or inhabitants of said section be first had and obtained.

This act to take effect and be in force, from and after the first day of March next.

CHAPTER LXXXII.

An act to establish a college in the state of Indiana.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That there shall be, and hereby is created and established a college, adjacent to the town of Bloomington, in the county of Monroe, for the education of youth in the American, learned, and foreign languages, the useful arts, sciences, and literature, to be known by the name and style of the Indiana college, and to be governed and regulated as hereinafter directed.

Colleges
established.

Sec. 2. There shall be a board of trustees appointed, consisting of fifteen persons, residents of this state, who shall be, and hereby are constituted a body corporate and politic, by the name of "the trustees of the Indiana college," and in their said corporate name and capacity may sue and be sued, plead and be impleaded, in any court of record, and by that name shall have perpetual succession.

Number of
trustees.

Sec. 3. The said trustees shall fill all vacancies which may happen in their own body, elect a president of the board, secretary, treasurer, and such other officers as may be necessary for the good order and government of said corporation, and shall be competent at law and in equity to take to themselves and their successors, in their said corporate name, any estate, real, personal, or mixed, by the gift, grant, bargain, sale, conveyance, will, devise, or bequest of any person or persons whomsoever, and the same estate, whether real or personal, to grant, bargain, sell, convey, demise, let, place out on interest, or otherwise dispose of, for the use of the said college, in such manner as to them shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest thereon, and apply the same to the proper use and support of the said college, and generally, in their said corporate name, shall have full power to do and transact all and every the business, touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, body politic or corporate may or can do, in the management of their own concerns, and to hold, enjoy, exercise and use the rights, powers and privileges incident to bodies politic or corporate, in law and in equity.

Vacancies
how filled.

Powers of
the trustees.

Sec. 4. The said trustees shall cause to be made for their use, one common seal, with such devices and inscrip-

tions thereon as they shall think proper, under and by which all deeds, diplomas, certificates and acts of the said corporation shall pass and be authenticated.

Powers and duties of trustees. Sec. 5. The said trustees, or a majority of them, shall meet at Bloomington, in the county of Monroe, on the first Monday in May next, and, after severally taking an oath or affirmation, faithfully and impartially to discharge the duties by this act enjoined, shall proceed to organize a board, by electing one of their members as president; and the board, when so formed, shall appoint a secretary and treasurer, who shall severally, before entering upon the duties of their respective offices, take an oath or affirmation, faithfully and impartially to perform the duties appertaining to their respective offices; and the treasurer shall give bond, with three or more securities, to be approved by said trustees, in the sum of twenty thousand dollars, payable to the state of Indiana, and conditioned for the faithful discharge of the duties of his office of treasurer to said corporation, and which bond, executed and approved as aforesaid, shall be deposited in the office of the treasurer of state.

Further powers and duties. Sec. 6. The said board of trustees, when organized in manner aforesaid, shall forever thereafter determine the time of their future meetings, the manner of notifying the same, and act on their own adjournments, as to them shall seem most expedient, and shall, from time to time, as occasion may require, make and ordain reasonable rules, ordinances and by-laws, with reasonable penalties, for the good government of the college and the regulation of their own body, not repugnant to the laws and constitution of this state.

Further powers and duties. Sec. 7. The said board of trustees shall, from time to time, as the interest of the institution may require, elect a president of said college, and such professors, tutors, instructors and other officers of the same, as they may judge necessary for the interest thereof, and shall determine the duties, salaries, emoluments, responsibilities and tenures of their several offices, and designate the course of instruction in said college.

Further powers. Sec. 8. The said board of trustees shall have full power to remove any one of their own body, for misconduct, breach of the by-laws, or gross immorality, and may, at any time they may deem it necessary for the good of the institution, remove any of the officers of said college or corporation, and others appoint in their stead.

Faculty and their powers. Sec. 9. The president, professors, and tutors, shall be styled the faculty of said college; which faculty shall have the power of enforcing the rules and regulations adopted by the said trustees for the government of the students,

by rewarding or censuring them, and finally by suspending such as, after repeated admonition, shall continue refractory, until a determination of a quorum of the trustees can be had thereon; and of granting and conferring, by and with the approbation and consent of the board of trustees, such degrees in the liberal arts and sciences, as are usually granted and conferred in other Colleges in America, to the students of the College, or others who by their proficiency in learning or other meritorious distinction, may be entitled to the same, and to grant unto such graduates, diplomas, or certificates, under their common seal, and signed by the faculty to authenticate and perpetuate the memory of such graduations.

Sec. 10. No president, professor, or other officer of the College, shall, whilst acting in that capacity, be a trustee, nor shall any president, professor, tutor, instructor or other officer of the College, ever be required by the trustees to profess any particular religious opinions, and no student shall be denied admission, or refused any of the privileges, honors or degrees of the College, on account of the religious opinions he may entertain, nor shall any sectarian tenets or principles be taught, instructed or inculcated at said College by any president, professor, tutor or instructor thereof.

Sec. 11. That Edward Borland, Samuel Dodds, Leroy Mayfield, Jonathan Nichols, James Blair, David H. Maxwell, William Bannister and William Lowe, of the county of Monroe, George H. Dunn, of the county of Dearborn, Christopher Harrison, of the county of Washington, Seth M. Levenworth, of the county of Crawford, John Law, of the county of Knox, Williamson Dunn, of the county of Montgomery, Ovid Butler, of the county of Shelby, and Bethuel F. Morris, of the county of Marion, shall be, and hereby are appointed trustees, agreeably to the provisions of this act, and shall hold their first meeting as herein before directed; and should a majority of them (who shall at all times be necessary to constitute a quorum for the transaction of business,) fail to meet on the said first Monday in May, the Governor of this state is hereby authorized and required to appoint some subsequent day for the meeting of said trustees, giving to each of them twenty days notice thereof in writing, and said trustees or a majority of them when convened in pursuance of such notice shall proceed to organize the board in manner herein before directed; and the president of the College shall be empowered to call occasional meetings of the trustees, in such manner as the board of trustees may by their by-laws direct.

Sec. 12. That all monies, arising from the sale of the Funds, Seminary townships, in the counties of Monroe and Gibson, shall be, and forever remain a permanent fund, for the sup-

port of said College, and the interest arising from the amount of said sales, together with the three reserved sections in the Seminary townships, situated in the county of Monroe, and all the buildings which have been erected adjacent to the town of Bloomington, in said county of Monroe, for the use of the state Seminary, with all the real and personal property of every description belonging to, or connected with said state Seminary, as the property of the state, and all gifts, grants and donations which have been or hereafter may be made, for the support of the College, shall be, and hereby are forever vested in the aforesaid trustees and their successors, to be controlled, regulated and appropriated by them in such manner as they shall deem most conducive to the best interest and prosperity of the institution: *Provided*, That the said trustees shall conform to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed for any particular object connected with the institution, and that the real estate hereby vested in the said trustees and their successors, shall be by them held forever for the use of said College, and shall not be sold or converted by them to any other use whatsoever.

Sec. 13. That Benjamin Parke, of the county of Washington, James Scott, of the county of Clark, Jesse L. Holman, of the county of Dearborn, Isaac Blackford, of the county of Knox, and George Bush, of the county of Marion, shall be, and are hereby appointed a board of visitors, any three of whom shall constitute a quorum for the transaction of business, whose duty it shall be annually to visit said College, examine the situation of the property both real and personal of said College, inspect the course of instruction adopted by the said trustees and practised by the faculty of said College, also the proceedings of said board of trustees, and their by-laws, and recommend to said board of trustees such alterations and amendments as they may deem necessary for the good of the institution, and also to inquire into the financial concerns of said corporation, by examining the books of the Treasurer thereof, and make a report of their examination, inspections and inquiries to the Governor of this state, to be by him laid before the General Assembly thereof. The above named persons shall constitute the board of visitors of said College, until the General Assembly by a joint resolution of both Houses shall appoint other persons in their stead.

Sec. 14. That it shall be the duty of the Secretary of said corporation, to keep a true and faithful record of all the proceedings of said board of trustees, in a suitable book, to be procured by them for that purpose, and make such copies and transcripts of the orders and proceedings of said board of trustees as may from time to time be re-

Secretary
and his
duties.

quired, and the same duly certify, under the seal of the corporation, and for his services he shall receive such compensation as said trustees may from time to time allow, to be paid out of any funds in the treasury of said corporation not otherwise appropriated.

Sec. 15. That it shall be the duty of the treasurer of said corporation, to keep a full, true and faithful account of all moneys by him received, by virtue of his said office, in suitable books to be for that purpose provided, and pay such moneys out from time to time as may be required by, and upon the order of said board of trustees, duly certified by the secretary; and keep a similar account of all such disbursements, and furnish the said board of trustees, whenever they may require the same, a full, true and complete statement of such receipts and disbursements, and exhibit to them for their inspection, his original books of entry, and also submit his books to the inspection and examination of the board of visitors of the College, and shall moreover annually transmit to the Governor of this state, to be by him laid before the General Assembly thereof, a true and complete statement of the annual receipts and expenditures of said corporation; and should said corporation ever be dissolved by legislative enactment, or otherwise, it shall in such case be the duty of said Treasurer, to pay over and deliver to the treasurer of state, for the use of this state, all monies and funds in his hands belonging to said corporation at the time of such dissolution, and should any Treasurer of said corporation at any time be guilty of any defalcation in the discharge of the duties of his said office, the said trustees shall have the right of an action therefor, against said treasurer and his sureties on his official bond, in the name of the state of Indiana, for the use of said trustees, and of prosecuting the same to final judgment and recovery, or in case of dissolution of said corporation, such action shall be sustained for the use of the state.

Sec. 16. That the constitution of the said College herein and hereby declared and established, shall be and remain the inviolable constitution of said College, and the same shall not be changed, altered or amended by any law or ordinance of the said trustees, nor in any other manner, than by the legislature of this state.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXIII.

An act for the benefit of the Gibson county Seminary.

[APPROVED, JANUARY 21, 1823.]

Revenue for the support of the Gibson county Seminary to be raised.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That for the purpose of raising a revenue for the Gibson county Seminary, there shall be annually charged fifty per centum on the amount of state and county revenue, on all persons and property within the town of Princeton, in said county, twenty-five per centum on the amount of the state and county revenue on all persons and property, not within the town of Princeton, and within the distance of two miles from said town, twelve and one half per centum on the amount of the state and county revenue on all persons and property between the distance of two and four miles from said town, and eight per cent. on the amount of the state and county revenue on all persons and property within said county of Gibson, and not included in the foregoing limits.

Mode of raising the same.

Sec. 2. That the clerk of said county, at the time of making out the tax books of the state and county revenue shall add the per centum as provided for in the first section of this act, which shall be collected by the collector of said county, as other taxes and paid over to the board of trustees of Gibson county Seminary, on or before the third Monday in November, in each and every year, for which said collector shall receive the same per cent. as is allowed by law for collecting the county revenue.

Sec. 3. That said board of trustees are hereby authorized and empowered to pledge the fund that may accrue by virtue of this act, as a security for the re-payment of any sum or sums of money said board may borrow for the use of said Seminary: *Provided however*, That the same shall not be pledged for a longer term of time than three years.

Sec. 4. If any mistake shall happen in the assessment of the property of any person or persons, or in the addition of the per centum thereon, by said clerk, the person or persons conceiving himself, herself or themselves aggrieved, may apply to the board of justices of said county, who shall have full power to make such order respecting such mistake, as may be right and equitable: *Provided*, That the tax on real property shall be calculated according to the ratio of per centum provided for in the first section of this act, in proportion to the distance the same lies from said town.

Sec. 5. That in all cases where the collector may make assessments of property not listed by the lister of said county, for state and county purposes, he shall add the per

centum as provided for in this act, for the use of the Gibson county Seminary.

This act to be in force from and after its publication in the Indianapolis Gazette.

CHAPTER LXXXIV.

An act to provide for the government of the Seminary of Knox county.

[APPROVED, JANUARY 24, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That the county Seminary of Knox county, Trustees shall hereafter be under the direction of five trustees, to be elected at the general election in the month of August, or at such special election as may be called for that purpose, by order of the board of justices, or any other board empowered to transact county business; to continue in office three years, and until their successors be elected and qualified; and all vacancies thereafter which may occur by death, resignation or otherwise, shall be supplied in like manner; and said board of trustees, on being notified of their election, shall, so soon as convenient, convene at the court house, or some other convenient place, and take an oath, before some officer authorized to administer the same, well and faithfully to discharge their duties as trustees of said Seminary; and thereupon they shall elect, from themselves, a president of their board, whose duty it shall be, when present, to preside at the meetings of said board, to sign its proceedings and orders, and when necessary, or required by two members so to do, call special meetings thereof; said board shall also elect at the same time, a treasurer, who shall not be a member, for the safe keeping of the funds belonging to said Seminary, who shall, before he enters upon the duties of his office, file a bond in the clerk's office of said county, with a penalty, and such security affixed as the board of justices, or other board doing county business as aforesaid, may require and approve, conditioned for the due preservation of the funds, papers, and books, and for delivering the same over, under the direction of the board of trustees; said board shall also elect at the same time, and in like manner, a secretary, who shall be duly qualified and sworn, and whose duty it shall be to keep a faithful record of all the proceedings of said board.

Sec. 2. The treasurer of said board of trustees, after filing his bond as aforesaid, shall, under the direction of

the board, have power and authority to ask, demand, and receive, all monies belonging to said Seminary; and in the name of the trustees, and for the use of said Seminary, institute suit to recover such sum or sums as have not otherwise been collected, or justly accounted for; and shall demand and receive of any person or persons having possession of the same, all the books and papers, and property, of what nature or kind soever the same may be, relating to the affairs of, and property belonging to the said institution, at any time since its first erection: and in case of his or their default to deliver over the said books and papers, or other property, as herein required, upon the demand of the said treasurer, suit shall be instituted, and a recovery had thereon: he shall make regular reports, as called for by said board of trustees, of the true situation of the fund, and the moneys belonging thereto; and the said treasurer, and the aforesaid secretary, shall be allowed a reasonable compensation for their several services, but said board shall appropriate no pay, nor be allowed to claim any compensation for their own services, in any manner whatsoever.

Further duty of trustees.

Sec. 3. It shall be the duty of said trustees to lay before the board of county justices, or other board doing county business as aforesaid, at their first meeting after the first day of January of each year, a detailed report, signed by their treasurer, of the true situation of the fund, shewing the amount received and paid out, the amount on hand, the amount claimed, and from whom, and the amount acknowledged to be due, and how secured; which report shall be spread at length on the records of the board doing county business, for the inspection of all who may wish to examine it; and it shall not hereafter be necessary to transmit a statement of the said Seminary fund to the Speaker of the House of Representatives.

Trustees may remove treasurer & secretary.

Sec. 4. Whenever the board have any good cause, they shall have power to remove, and appoint successors to, their treasurer and secretary as aforesaid, and in case of any default in either of said officers, in delivering up the moneys, books, and papers, to the successor or successors so appointed, suit shall be commenced, and a recovery had upon the premises.

Further powers and duties of trustees.

Sec. 5. Said trustees shall have full power, in all cases, and are hereby authorized and required, within six months after their organization, to examine into the affairs now belonging to said county Seminary, to arrange and settle upon principles of equity and justice, all preceding transactions, and to investigate every such matter now devolving upon them relative to said institution; subject however to re-examination and adjudication, at the option of either party, in the circuit court.

Sec. 6. So far as regards the county Seminary aforesaid and the trustees thereof, all acts and parts of acts coming strictly within the purview of this act, and at variance therewith, shall be, and the same are hereby repealed.

CHAPTER LXXXV.

An act making further provision for the sale of the Seminary townships of land in the counties of Gibson and Monroe, and for other purposes.

[APPROVED, JANUARY 16, 1823.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That James Smith, commissioner of the reserved township of land in Gibson county, and James Borland, commissioner of the reserved township of land in Monroe county, be, and they are hereby required to hold sales of the unsold lands heretofore authorized by law to be sold in their respective townships on the first Mondays of May, August and October next, and to continue the sales thereof, not exceeding one week, in each of the months aforesaid.

Sec. 2. That it shall be lawful for the commissioners aforesaid to sell at private sale the said lands at the minimum price and upon the same conditions required by an act of the last General Assembly, entitled an act, concerning the Seminary townships of land in Gibson and Monroe counties, approved, January 25, 1826.

Sec. 3. If two or more persons shall apply at the same time, to purchase any of the said lands, it shall be the duty of the commissioner of the township where such applications to purchase are made, to offer such piece or pieces of land for sale, to the highest bidder, and such bidder shall be the purchaser.

Sec. 4. That all the duties enjoined on the aforesaid commissioners, and also on the several recorders of Gibson and Monroe counties, by the act mentioned in the second section hereof, except such as are required in the second, third and fourth sections of said act, and not herein contravened, be, and the same are hereby required of them by this act.

Sec. 5. That it shall be the duty of the recorders of Gibson and Monroe counties, severally to transmit to the Speaker of the House of Representatives, and also to the President of the Senate, during the first week of the next General Assembly, a correct account of the price of record books, by them purchased, for recording the certificates

of lands sold in their respective townships; and also, to furnish as aforesaid a copy of the forms of the several certificates, which by law they are required to record in said books.

Sec. 6. The Public Printer is hereby required to cause to be published in the Indianapolis Gazette, Indiana Journal and Bloomington Republican, a notification of the aforesaid sales, for six weeks previous to the first sale of said lands.

This act to take effect and be in force from and after the passage thereof.

CHAPTER LXXXVI.

An act respecting a county Seminary, and the Seminary funds of the county of Switzerland.

[APPROVED, JANUARY 19, 1828.]

Trustees
named.

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana*, That Israel R. Whitehead of Jefferson township, James Rouse of Craig township, Simon Slawson of Pleasant township, Aaron Chamberlain of Cotton township, and William R. Wiley of Posey township, in the said county of Switzerland, be, and they are hereby appointed Seminary trustees, for said county, for the special purposes hereinafter provided.

Their du-
ties

Sec. 2. It shall be the duty of said trustees, on or before the first day of June next, severally to give sufficient bond and security in the penal sum of one thousand dollars, payable to the state of Indiana, for the use of a county Seminary in said county of Switzerland, conditioned for the due and faithful performance of all and singular, the duties required of them by this act, and shall take an oath, which shall be endorsed severally on their bonds, that they will well, duly and faithfully do and perform the several duties required of them by this act, to the best of their skill and abilities, and said trustees after they shall have given bond, and taken an oath as aforesaid, shall then be fully authorized to take upon themselves the office of Seminary trustees of the county of Switzerland, aforesaid, and a majority thereof shall at all times form a quorum, for the transaction of any of their business as such trustees.

Further
duties.

Sec. 3. It shall be the duty of said trustees to commence on the first Monday of June next, or so soon thereafter as practicable, and proceed to the examination into the state of the Seminary funds of the said county, and make a detailed report thereof, showing the total amount thereof,

and examining back into all the transactions connected therewith, from the beginning of the state government, up to the day, on which such examination shall be made, and ask, demand, and receive from the agents, sheriffs, trustees, justices of the peace, and each and every person whomsoever, in whose hands any of said funds may be found, and forthwith bring the legal and proper suits against all persons whomsoever, in whose hands any of said funds may be found, provided the same shall not be paid over to said trustees when requested, and to enable said trustees fully to perform their duties, they or any of them as they may direct, shall have power to examine into the circuit courts, and other records of said county, books of trustees, accounts of agents, sheriffs and justices of the peace, together with the dockets of justices of the peace, from the beginning of the state government, up to the day of such examination, and the said trustees are authorized to examine under oath, all sheriffs, clerks, justices of the peace, agents and seminary trustees, and all who may have held or may then hold any of said offices, and require them and each of them, under such oath, to answer all questions propounded to them, relative in any way to said funds or any part thereof, which oath and the answers given under such oaths, shall be recorded by said trustees, at full length, in the books in which they record their proceedings, and each and every one of said trustees are hereby authorized and empowered to administer said oaths.

Sec. 4. All suits brought by said trustees for the recovery of said funds or any part thereof, shall be brought in the name of the state of Indiana, for the use of the county seminary in said county, and if any such suit shall be founded on a bond or other instrument in writing, or account not in the name of the state of Indiana, the bond or other instrument in writing, or account (as the case may be,) shall be set forth in the declaration, together with the special circumstances, and the suit shall progress to final judgment and execution in the name of the state of Indiana, for the use of a county seminary in said county, and the said trustees are hereby authorized and empowered to employ such attorneys and counsellors at law, as they may deem proper, to be paid by the said county as other county claims are or may be paid.

Sec. 5. Said trustees, so soon as they shall have completed the collecting of said funds, as far as the same may be practicable, shall then select a site on some eligible place in said county, for a county seminary; and obtain, if possible, a grant by donation, in fee simple, of not less than one acre of land from the owner, to be used, occupied and employed by the inhabitants of said county, for a

Further
duties.

county seminary, and if no land can be obtained by donation, then procure the land by the purchase of not less than one acre, if the same can be reasonably had, and also ask for and receive all such donations in land, money or property as may be donated for the purpose of putting a county seminary in operation, and all deeds of land, gifts of money or property, shall be in the name of the state of Indiana, for the sole use of a county seminary in said county.

Further
duties.

Sec. 6. Said trustees shall procure at the expense of said county, a good and sufficient book, in which they shall duly enter all their proceedings, and the whole situation of the seminary fund and the amount thereof, and all purchases of land and other expenses, and also all donations and the number of days each trustee may serve, and also all deeds, bonds and other instruments of writing.

Further
duties.

Sec. 7. So soon as the said trustees shall have completed the foregoing business, they shall digest and enter into their said book, the best plan, (the situation of the concerns will authorise,) of a building for a seminary, and the probable expense thereof, and such other matters connected therewith, respecting the raising of funds and the pay of teachers, as their wisdom may suggest, and lay a full statement of the whole business before the then next succeeding legislature, with a petition for such a charter for a county seminary for said county, as they may deem proper.

Further
duties.

Sec. 8. That said trustees shall faithfully and safely keep and take care of all money, papers, books or property that may come to their hands as such trustees, and pay the same over or otherwise dispose of the same in such way and manner as may be directed by law.

Further
duties.

Sec. 9. The said trustees shall keep their office, books and papers at the office of the clerk of the circuit court of said county, and the clerk of said court is hereby required to aid in the keeping and taking care of the same, until otherwise directed by law. And said trustees shall severally receive, out of the county treasury of said county, such amount of pay as the board of supervisors of said county shall allow, order and direct, due regard being had to the services rendered.

Sec. 10. The bonds required to be given by said trustees shall be executed in the office of the clerk of the circuit court, and shall be by such clerk, filed away in his office for safe keeping. And the oath required to be administered by said trustees, shall be to all intents and purposes, deemed and taken for legal oaths, on which perjury may be assigned, if any of the statements made under the same should be false.

Sec. 11. The trustees may appoint any one of their bo-

dy to attend to any of the duties required of them, where in their opinion one person can act with the same facility and advantage that a plurality of persons could, always recording such appointment in their book, together with the services he may be directed to perform.

This act to take effect and be in force from and after its passage.

CHAPTER LXXXVII.

An act to authorize the loaning of the seminary funds.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That a loan office shall be, and the same is hereby established, for the state of Indiana, in the town of Indianapolis, to be connected with, and kept at the office of the state Treasurer, and to be under the superintendence of the state Treasurer for the time being. Loan office established under the control of the treas'r.

Sec. 2. The Treasurer, before entering upon the duties by this act enjoined, shall be duly sworn, by some authorized person, faithfully to discharge his duty, as herein required; and moreover give bond with approved securities, in the penal sum of twenty thousand dollars, payable to the state of Indiana, for the use of the Indiana college, and to be approved of by the Governor, and conditioned for the faithful discharge of the duties of his office as superintendent aforesaid, which bond shall be filed in the office of the Auditor of public accounts, and shall from its date be a lien on the lands and tenements of the obligors.

Sec. 3. That the funds for the loan office hereby established, shall consist of the principal of all monies, the proceeds of the sales of the seminary lands in Gibson and Monroe counties, which now are, or shall hereafter, agreeably to the laws of this state, be paid into the state treasury; together with all grants, gifts and donations made in money, and which by the donor may be directed to be funded in said loan office, for the use of the college aforesaid.

Sec. 4. The treasurer of state, as superintendent of the loan office aforesaid, shall have power, for and on behalf of this state, and it is hereby made his duty, from time to time, to make loans of any, or all the monies in said office, to citizens of Indiana, on a pledge of real estate, to be secured by mortgage as hereinafter prescribed. Treasurer's powers as superint'nt. to lend the funds upon mortgage.

Sec. 5. The treasurer aforesaid shall duly inform him-

Further
duties.

self of the value of all real estate, and shall be judge of the validity of the title thereof, which may be offered as security for monies on loan; and in order to secure the said treasurer the more effectually from imposition, it is hereby made the duty of all persons, applying to him for monies on a loan, to produce to said treasurer for his inspection, a clear and valid title in fee simple, to the property proposed to be mortgaged at said loan office.

Further
powers and
duties.

To appoint
com'rs. to
value real
estate offer-
ed in mort-
gage.

Sec. 6. The treasurer shall have power, whenever he may deem it necessary, to appoint commissioners in any county of this state, to value and appraise any lands which may be offered in mortgage at the said loan office, and every valuation of land in any county as herein provided, shall be signed, and certified, by at least three of said commissioners: *Provided always*, that said treasurer shall have power to fill all vacancies, or to remove any such commissioners at pleasure.

Duty of
such com-
missioners.

Sec. 7. The commissioners appointed in any county as aforesaid, after being duly sworn faithfully to discharge their duty as herein required, shall on application of the owner of any land or freehold estate in their proper county, proceed to examine and appraise said property, and after such examination and appraisal had, to give the owner thereof a certificate, under their hands and seals, setting forth the valuation thereof in specie, at the common selling rate, at the time being in their said county, and moreover specify in said certificate, the amount of land in acres, the quarter or half quarter section, the number of the section, township and range, in which said land lies; or where any lands valued as aforesaid, have not been surveyed by authority of the United States, then it shall be the duty of the said commissioners, otherwise to designate and specify the land in the best manner possible.

Sec. 8. That the commissioners appointed by the treasurer as aforesaid, to value lands to be mortgaged to said loan office, shall be entitled to receive one dollar per day, to be paid by the borrower.

Rate of in-
terest.

Sec. 9. All monies shall be loaned out of the loan office aforesaid, at an interest of six per centum per annum, which shall be always paid in advance, nor shall any person receive money on loan to a greater amount than one half the real unincumbered value of the lands mortgaged therefor at the loan office; nor shall any one person borrow money out of said loan office to a greater amount than five hundred dollars.

Sec. 10. That the mortgage to be taken in security at the loan office, may be taken in the following form in substance, to wit: I, A. B. do assign over and transfer to superintendent of the loan office of Indiana, and his successor in office, for the use of the

Indiana college, (here describe the land particularly,) which land I declare to be in mortgage for the payment of

dollars, with six per cent. per an-

num from the day , and I do Form

agree that the same may be exposed to sale, if not paid at maturity, for the principal and interest at the time when the same shall become due and payable, together with five per centum damages thereon, and all costs, witness my hand and seal this day of 18

Which mortgage shall be accompanied with a note or bond for the sum so borrowed, and shall be valid to all intents and purposes.

Sec. 11. That all mortgages taken for loans of money under this act, shall be considered as being of record from the date thereof, and shall have priority of any mortgages or consequences of the same property not previously recorded in the county where the land lies; and the person applying for a loan of money, shall produce a certificate from the recorder and clerk, of the county where the land lies, to the superintendent of the loan office, that there is no conveyance or incumbrance on said land, in either of their offices, and shall moreover take an oath before the superintendent aforesaid, before he shall be entitled to receive the amount allowed on the mortgage of his land, that there is no incumbrance or better claim in law or equity, that he knows of, or believes, on the said land, and any person swearing falsely in the premises, shall be liable to all the pains and penalties provided by law for wilful and corrupt perjury: *Provided however*, That all mortgages, taken as is herein directed, shall be recorded within thirty days after the execution thereof, in the county where the land so mortgaged lies.

Effect of
mortgage.

Sec. 12. That no money shall be loaned at said loan office for a longer term than five years, the interest of which shall be paid annually in advance; and in all cases where the interest or amount loaned shall be in arrear or due, the superintendent aforesaid shall be, and he is hereby authorized and required, to advertise the mortgaged property, sixty days in one or more of the newspapers printed in this state, and make sale of so much of the mortgaged premises to the highest bidder, for cash, as will pay the amount due, together with the damages and costs of advertising and selling the same, and the said superintendent is hereby fully empowered to make conveyances for the same to the purchaser or purchasers thereof, or if he should deem it proper, to buy the same in for the benefit of the Indiana college aforesaid: *Provided*, that where the premises sell for a greater sum than the said debt, interest, damages, and costs, the said superintend-

Monies to be
loaned for
five years.
Mode of en-
forcing pay-
ment.

Treasurer to report to the Gen'l. Assembly, the names of borrowers, and amount borrowed.

ent shall pay the overplus over to the mortgager, his heirs or assigns.

Sec. 13. The superintendent aforesaid, shall keep fair and regular entries, (in a book or books to be kept for that purpose,) of his proceedings as herein required, and shall make a detailed and accurate report thereof, to both houses of the General Assembly of this state, on the first week of each session annually, setting forth the names of the persons borrowing money, the amount so borrowed, and the manner in which the same is secured; and moreover shall submit to the Legislature, or a committee thereof, when required, all books, documents and papers whatever, in relation to or concerning the loan office aforesaid.

Sec. 14. That no provision of this act shall be so construed, as to prevent the superintendent of the said loan office, from loaning any money in said office to the state of Indiana, upon the faith and credit of the state.

Interest to be paid to the Indiana college.

Sec. 15. That it shall be the duty of the superintendent aforesaid, at all times, to pay over to the order of the board of trustees of the Indiana college, duly signed by the president, and countersigned by the secretary thereof, any interest of monies accruing from the loans herein contemplated, and to charge the same against the said Indiana college.

Sec. 16. The loan office aforesaid shall go into full operation on or before the first Monday of April next, at which time this act shall take effect and be in force, and the public printer of this state is hereby required to publish this act in the Indianapolis Gazette, for four weeks before the date aforesaid.

Compensation of Treasurer.

Sec. 17. The treasurer of state, for his services required as superintendent of the loan office aforesaid, shall receive each year seventy-five dollars, in addition to his salary now allowed by law, to be paid out of the interest accruing from the fund aforesaid.

CHAPTER LXXXVIII.

An act to amend an act entitled an act, to establish county seminaries in the several counties therein named; Approved, January 26, 1827.

[APPROVED, JANUARY 24, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That it shall be the duty of the courts doing county business in the several counties named in the act

to which this is an amendment, to procure a book at the expense of the proper county, for any county seminary now established, or that hereafter may be established, under the provisions of said act, in which book, it is hereby made the duty of the clerks of such courts, doing county business, to record all business connected with, or in any wise appertaining to, the affairs of the county seminary, as is in this act hereinafter provided for.

Sec. 2. It shall be the duty of all officers, whose duty it may be to assess or adjudge any fine or fines, for the breach of any of the penal laws of this state, to pay over all such fines as may be assessed by them, or either of them, to the county seminary trustees of their proper counties respectively, in sixty days from the receipt thereof, taking a receipt for the same, which receipt, together with a list at full length in writing, setting forth the amount of fines assessed, the cause for which they were inflicted, and the names of the person or persons so fined shall be returned to the next succeeding board of commissioners, or court doing county business, and it is hereby made the duty of the clerk of said board, to enter the same at full length in the book provided by him for that purpose.

Sec. 3. It is hereby made the duty of the sheriffs of the several counties named in the act to which this is an amendment, to pay over to the county seminary trustees respectively, all monies that may come into their hands, for the use of the county seminary of their respective counties, in sixty days from the receipt thereof, taking a receipt for the same, and making return to the board of commissioners, or courts doing county business, in the same way and manner that other officers are required by this act to make returns, which shall be entered by the clerk of said board, or courts, in the same way and manner that other returns are required to be entered.

Sec. 4. The boards or courts doing county business in the several counties named in the act to which this is an amendment, are hereby authorised to draw upon the state treasurer, in favor of the seminary trustees of their respective counties, for the amount or quota of fines collected from those who are conscientiously scrupulous of bearing arms, and the treasurer of state is hereby authorized and required to pay the same, and the amount so drawn, shall be entered by the clerks of said boards, and charged to the account of the seminary trustees respectively.

Sec. 5. It shall be the duty of the boards or courts doing county business in the counties herein before specified, in the act to which this is an amendment, to cause to be kept by their clerks, regular accounts with the seminary trustees of their respective counties, in which shall be charged all monies that may come into the hands of such

Clerks to keep a record of proceedings, relative to county seminaries.

Officers to pay over fines, taking notes, and to report lists of fines, which lists shall be recorded.

Funds in the state treasury, belonging to the county seminaries, may be drafted out.

Accounts to be kept with seminary trustees.

trustees, and to credit all monies drawn for and paid by virtue of any of the provisions of this act, or the act to which this is an amendment.

Penalty against officers for failing to pay over funds collected.

Sec. 6. All officers whose duty it may be by virtue of the penal laws of this state, to assess, collect, or pay over monies for the use of county seminaries, failing or refusing to comply with the provisions of this act, or the act to which this is an amendment, shall upon conviction thereof, by presentment or indictment, be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, at the discretion of the jury, who may try the same, and also shall be liable, on motion of the seminary trustees, before any court having jurisdiction of the cause, to pay such monies as they have failed to pay over, together with ten per centum thereon; and it is hereby made the duty of the circuit prosecuting attorney of the circuit where such county seminary may be situated, to prosecute all defaulters in failing to pay over monies by them collected, before all courts having jurisdiction of the subject matter.

Sec. 7. All county seminaries established under the act to which this is an amendment, shall be open and free for common schools, and in which shall be taught, all such branches of literature as may be authorized by the trustees thereof.

Sec. 8. The bond to be given by the board of trustees, as required by the act to which this is an amendment, shall be approved of by the courts doing county business, and filed in the clerk's office of the circuit court of the proper county.

Sec. 9. The trustees of any county seminary in this state incorporated, shall have the right, at any time, to draw on the state treasury for their proportions of the monies arising from persons conscientiously scrupulous of bearing arms, and the treasurer of state is hereby directed to pay the same accordingly.

Sec. 10. In all cases where any sheriff or collector may have heretofore collected, or may hereafter collect militia fines, from persons conscientiously scrupulous of bearing arms, and such sheriff or collector shall neglect or fail to pay the same over to the person or persons authorized by law to receive the same, it shall be the duty of such person or persons, on being informed thereof, to cause suit to be brought against such sheriff or collector, and their securities, and the court before whom the same may be tried, shall add to the principal, and make the same a part of the principal, judgment over and above costs of suit, the following, to wit: The legal interest due on the principal, from the time the same ought to have been paid, also ten per centum on all damages thereon, for the use of the

seminary fund, and also six per cent. thereon, for the use of the attorney prosecuting the same.

CHAPTER LXXXIX.

An act supplementary to an act, entitled an act for the appointment of county Surveyors and their deputies.

[APPROVED, JANUARY 14, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That all chain carriers employed by county Surveyors or their deputies, in the performance of any official duties which may be required of any such county Surveyors or their deputies shall take an oath for the faithful discharge of their respective duties as such, and such county Surveyors and their deputies are hereby authorized to administer such oath. Chain carriers to be sworn.

CHAPTER XC.

An act vacating the town of Greenfield, in the county of Vigo.

[APPROVED, JANUARY 23, 1828.]

Be it enacted by the General Assembly of the state of Indiana, That the town of Greenfield, in the county of Vigo, in this state, be, and the same is hereby vacated. Greenfield vacated.

This act to take effect and be in force from and after its passage.

CHAPTER XCI.

An act to authorize the board of justices of Wayne county to sell a part of the public square in the town of Centreville.

[APPROVED, JANUARY 11, 1828.]

Sec. 1. *Be it enacted by the General Assembly of the state of Indiana,* That the board of justices of the county of Wayne, public square in Centreville, if they shall deem it advisable within the year 1828, be, and they are hereby authorized (a majority of all the justices of said county consenting thereto,) to order the sale may be sold. Part of the public square in Centreville may be sold.

of such part of the public square of the town of Centre-ville, as they may think proper, to be laid off and set apart in such manner, as the said board of justices shall order and direct, which said order shall be entered on the record of said board, together with the metes and bounds of such parts of said square as may be ordered to be sold.

Sec. 2. The sale of any such part of said public square shall be made by such person as the said board shall appoint for that purpose, and in such manner, and upon such conditions as may by said board be ordered; and the person so appointed shall have full and competent power, by virtue of such appointment, to sell and convey all the right of the said county of Wayne, as fully and amply as the said board of justices themselves could or ought to do, for and on behalf of the county, and the said board of justices are hereby authorized to appropriate the proceeds of the sale thereof, in such manner as they may deem right, for the use of said county.

This act to take effect and be in force from and after its passage.

JOINT RESOLUTIONS.

CHAPTER XCII.

A joint resolution requiring certain duties to be performed by the Agent of state, for the town of Indianapolis.

[APPROVED, JANUARY 24, 1828.]

Be it resolved by the General Assembly of the state of Indiana, That the Agent of state for the town of Indianapolis, be, and he is hereby required to report in writing to both Houses of the General Assembly, within the second week of their next session, a complete detailed statement of all receipts into the Indianapolis fund, and disbursements therefrom, from the commencement of said agency up to the first day of December next, stating particularly and distinctly from what source derived, whether from sales of lots, leases, rents, forfeitures, recoveries for trespasses, or any other source whatever, and in what manner disbursed, whether by payments out of the treasury, or out of the hands of the Agent; the amount liquidated by relinquishments of lots and transfers; also the amount which shall have been liquidated under the provisions of an act entitled "an act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state," approved, January twenty-first, eighteen hundred and twenty-eight.

Resolved further, That it shall be the duty of said Agent in his said report, to state the nature of all leases pending on the donation, the tenor on which they respectively stand, what the consideration, and the period at which they will respectively terminate; also to accompany said report with a list of all the lots in said town, which on the said first day of December next, remain unsold, and unappropriated by law for any other particular purpose.

And resolved further, That it shall be the duty of said Agent to purchase a large well bound blank book, to be used as a record book for said agency, in which he shall enter on the left margin a list of all the numbered blocks and squares in said town in numerical order, and in a column next to the right thereof, the number numerically of the lots in the respective blocks and squares, and in the next column to the right the purchasers name, in the next column date of sale, next column in figures the amount for which the lot sold, in last column date of conveyance and to whom conveyed; and further to enter in said book all official transactions of said Agent.

And be it further resolved, That said Agent be, and he is hereby authorized and required to have the circled lot on which the Governor's House is built, properly graduated, and enclosed with a temporary rail fence, on the best terms on which he can procure the performance of the same, to be done by the first day of May next.

This resolution to take effect and be in force from and after its passage.

CHAPTER XCIII.

A joint resolution respecting certain lots in the town of Indianapolis.

[APPROVED, JANUARY 24, 1828.]

Be it resolved by the General Assembly of the State of Indiana, That lots numbered seven and eight, in block numbered forty-six, be, and the same are hereby reserved from sale, and set apart for a garden and stable lot, for the use of the Governor of this state.

This resolution to take effect and be in force from and after its passage.

CHAPTER XCIV.

A joint resolution of the General Assembly, authorizing the Treasurer of state to purchase a book, and make certain records therein.

[APPROVED, JANUARY 24, 1828.]

Resolved by the General Assembly of the state of Indiana, That the Treasurer of state be required to purchase a suitable book, to record all the returns of the commissioners of the Seminary townships, to his office; and also to record the patents that may be issued for any of the lands sold in said townships; and said treasurer is hereby authorized to draw upon the interest of the Seminary fund in the state treasury, for the amount necessary to purchase said book.

This resolution to be in force from and after its passage.

CHAPTER XCV.

A joint resolution to provide the Wabash and Miami Canal Commissioners with a copy of Strickland's reports.

[APPROVED, JANUARY 24, 1828.]

Resolved by the General Assembly of the state of Indiana, That the Secretary of state, be, and he is hereby directed to deliver to the board of Canal Commissioners, upon their application therefor, one copy of Strickland's reports, to be retained by said board for the use of the state.

CHAPTER XCVI.

A joint resolution of the General Assembly, relative to the Western Mail route, from Louisville in Kentucky, to St. Louis in Missouri.

[APPROVED, JANUARY 12, 1828.]

WHEREAS, the Great Western Mail route, from Louisville in Kentucky, via New Albany, Greenville, Paoli, Hindostan, Washington and Vincennes, through the state of Illinois, to St. Louis in Missouri, is of great and increasing importance to the citizens of this state, and the union, and merits the attention of the general government; and whereas, a good road has never been constructed on the aforesaid route, and the present one is not unfrequently impassable during a considerable portion of the winter months, and whereas a thoroughfare so important to the commercial intercourse of our sister states, ought not to depend on the unassisted efforts of a new state, which are clearly inadequate, without the imposition of unjust burthens, to answer the demands of the nation: Therefore,

Resolved by the General Assembly of the state of Indiana, That our Senators in Congress be instructed, and our Representatives requested, to exert themselves to procure the passage of a law, appropriating a sufficient quantity of the public lands, to enable the state of Indiana to raise funds adequate to the construction of a good substantial permanent road, with suitable bridges and causeways, on all that part of the aforesaid route which passes through this state, which road, when made, shall be kept in [repair by] the authority of this state; and also to invite the co-operation of the Senators and Representatives of the states of Kentucky, Illinois and Missouri, in procuring the aforesaid ap-

appropriation, together with a similar grant for the residue of the route.

Resolved, That his Excellency the Governor, be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

CHAPTER XCVII.

A joint resolution relative to the northern boundary of the state of Indiana.

[APPROVED, JANUARY 17, 1828.]

Resolved by the General Assembly of the state of Indiana, That the northern boundary of the said state of Indiana, as made and reported to the Governor thereof, under the direction of the Surveyor General, in obedience to an act of the Congress of the United States, entitled "an act to authorize the President of the United States, to ascertain and designate the northern boundary of the state of Indiana," approved, March second, one thousand eight hundred and twenty-seven, be, and the same is hereby approved by the authorities of the state aforesaid; and the secretary of state is hereby directed, to record the plat of said survey amongst the records of his office, and to file the same as reported as aforesaid, amongst the public documents of the country.

CHAPTER XCVIII.

A joint resolution and communication of the General Assembly of the state of Indiana, to the General Assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river, with those of Lake Erie.

[APPROVED, JANUARY 24, 1828.]

TO THE HONORABLE, THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

WHEREAS, a connection of the waters of the Wabash river, with those of Lake Erie, by a Canal uniting them at navigable points, has long been deemed of vital importance to these states, and the nation at large; and whereas the Congress of the United States, in answer to the earnest solicitation of the General Assembly of

the state of Indiana, did by an act, approved, March 2, 1827, grant to the state of Indiana, for the purpose of aiding the state in opening a Canal to unite at navigable points the waters of the Wabash river with those of Lake Erie, a quantity of land equal to one half of five sections in width, on each side of said Canal, and reserving each alternate section to the United States, to be selected by the Commissioner of the Land Office, under the direction of the President of the U. S. from one end thereof to the other, and subjecting the said lands to the disposal of the legislature of said state, for the purpose aforesaid, and no other: And whereas it is ascertained, that to effect the object proposed, it will be necessary to extend the route of the Canal a considerable distance within the boundary and jurisdiction of the state of Ohio, to a navigable point in the Maumee river: therefore, under the belief that a mutual and reciprocal interest is felt by our respective citizens, in the completion of an undertaking of such immense importance, the General Assembly of the state of Indiana, would respectfully invite the attention of the General Assembly of the state of Ohio, to such co-operation with them on this subject, as may be necessary to enable the legislature of Indiana, with the concurrence of the General Assembly of the state of Ohio, fully and efficiently to apply the grant of the Congress of the United States above recited, to the furtherance and accomplishment of the object in view.

Resolved, That the Governor be respectfully requested to forward a copy of the preceding communication, to the Governor of the state of Ohio, with the desire that the same may be laid before the General Assembly of the said state; and that the Governor be further requested to correspond with the Governor of the state of Ohio on the subject above referred to.

CHAPTER XCIX.

A joint resolution of the General Assembly.

[APPROVED, JANUARY 24, 1828.]

Resolved by the General Assembly of the state of Indiana, That it shall be the duty of the Secretary of state, to have such part or parts of the treaty, entered into between the United States and the Pottawatamie Indians, as relates to a grant of land to this state, to create a road from Lake Michigan to the Ohio river; also, the act of Congress giv-

ing to us the disposition of said land; also, the act of Congress making a donation of land on each side of the contemplated Wabash Canal, to this state, attached to, and published with the acts of the present session.

CHAPTER C.

A joint resolution respecting the Office of the Clerk of the District Court of the United States, for the district of Indiana.

[APPROVED, DECEMBER 28, 1827.]

Be it resolved by the General Assembly of the state of Indiana, That the Clerk of the Supreme Court of Indiana, be, and he is hereby authorized to permit the Clerk of the District Court of the United States, for the district of Indiana, to keep his office in the same building that the Supreme Court Clerk's Office is kept: *Provided,* It will be no inconvenience to said Clerk of the Supreme Court.

And be it further resolved, That this permission so granted to the Clerk of the District Court, aforesaid, shall not be extended to a longer term than eighteen months.

CHAPTER CI.

Joint resolutions of the General Assembly relative to purchasers of the public lands.

[APPROVED, DECEMBER 24, 1827.]

WHEREAS, all the reasons which have heretofore operated on the General Assembly of this state, in prompting them to solicit the indulgence of the general government towards the purchasers of public lands, exist in undiminished force; this General Assembly therefore beg leave to reiterate the sentiments of their predecessors on this subject, and in addition to what has been urged by preceding legislatures, to call the attention of the general government, to a measure of deep and prominent interest to a large portion of our fellow citizens.

The General Assembly allude to the situation of those individuals who have purchased lands from the general government, made one or more payments thereon, and after improving the same, have been compelled by unforeseen misfortunes, or the pressure of the times, to suffer

their lands to be forfeited. Nor can they pass unnoticed; large numbers of their fellow citizens, who, anxious to close their accounts with the government, to escape from a debt that was a perpetual lien on their homestead, and to avail themselves of the power of relinquishing a part of their lands, prior to the 4th of July, 1827, under the apprehension that the door of relief would then be closed, have relinquished large portions of valuable and improved lands, merely to secure to themselves a house and home, and have thus sacrificed the hard earnings and toilsome sacrifices of younger and better days.

The existing laws of Congress make no provision by which the unfortunate citizen, who has expended time, labor and money on lands thus forfeited or relinquished, can have the least preference over the stranger or alien, in regaining his forfeited or relinquished property. It cannot be the policy of a just and wise government, to take advantage of the misfortunes of its citizens. The value of labor expended by the unfortunate citizen, on the property of the nation, will never be appropriated by a magnanimous government, without rendering therefor a full equivalent. As little will such a government be disposed to suffer the iron grasp of the heartless speculator to monopolize the scanty earnings of the indigent and unfortunate cultivator of the soil. For these reasons they cannot but believe that the justice and magnanimity of the general government will, in extending relief to those purchasers, who, in consequence of inability to complete their payments, have suffered, or are liable to the forfeiture of their lands recognize the propriety of allowing full credit for all sums actually paid, and of exacting no more than a sum, which added to former payments, shall amount to the minimum price of Congress lands.

The General Assembly deeming further detail unnecessary, impressed with gratitude for the past, and confiding implicitly in the future liberality of a protecting government, adopt the following resolution, viz:

Resolved by the General Assembly of the State of Indiana, That our Senators in congress be instructed, and our representatives requested, to use their best exertion to procure the passage of a law to extend the time of payment on all lands now forfeited, or liable to forfeiture, and to authorize each and every purchaser, whose lands are either forfeited, or are liable to forfeiture, to redeem the same on making prompt payment therefor, at a price the amount of which, including forfeited payments, shall not exceed the minimum price of congress lands.

Resolved further, That our Senators and Representatives aforesaid, be requested to procure, if possible, the passage of a law, giving to every purchaser and occupant,

of congress lands, who has made one or more payments and whose lands have been forfeited or relinquished, or which are liable to forfeiture, a privilege in the nature of a right of pre-emption for _____ years, to re-purchase the same, or other lands of equal value, at a sum, which, added to his former payments, shall make the amount per acre, not to exceed the minimum price of congress lands, and that in the interim, and before government has disposed of the same, every purchaser who has improved his lands, without completing the payments, shall have the privilege of occupying the same, and enjoying the proceeds thereof.

Resolved, That his Excellency the Governor, be requested to transmit a copy of the foregoing preamble and joint resolutions to each of our Senators and Representatives in congress.

CHAPTER CII.

A joint resolution relative to the procuring of a complete set of the journals of congress, and other public documents.

[APPROVED, JANUARY 11, 1828.]

WHEREAS, access to the public acts and proceedings of the general government of the union, from its institution to the present time, is indispensably necessary to the elucidation of our history, and to enable the General Assemblies of this and other states, to Legislate with accuracy and intelligence, on many important subjects, and whereas the state of Indiana, in common with many of the new states, that now form a large and rapidly increasing portion of the union, is destitute in its public capacity of the journals of both houses of the Congress of the United States, from 1789, to the period at which it was admitted into the union, and also of the state papers, reports and documents ordered to be printed by congress, and either house, during the time aforesaid, and of the journals of the convention of 1787; Therefore,

Resolved by the General Assembly of the state of Indiana, That our Senators in congress be instructed, and our Representatives requested, to use their exertions to procure from the liberality of congress, for the use of the state of Indiana, duplicate copies of the journals of both houses of congress, from 1789 to the commencement of the second session of the fifteenth congress; also the same

number of copies of the journals of the convention of 1787, and of the state papers, reports and documents printed by congress or either house, for the time aforesaid, and that in procuring this favor, they be requested to invite the co-operation of such of our sister states as have been admitted into the union since the adoption of the constitution of the United States.

CHAPTER CIII.

A joint resolution of the General Assembly of the state of Indiana, on the subject of internal improvements and domestic manufactures.

[APPROVED, JANUARY 24, 1828.]

WHEREAS, in the opinion of the General Assembly of the state of Indiana, it is the true policy and the imperative duty of the general government, to foster and encourage every branch of national industry, which, in every degree, has a tendency to render us independent of foreign capital or skill, or to increase the wealth and resources of the nation, and more particularly to protect those manufactures which are necessary to our comfort and convenience, for which the raw materials are, or may be abundantly produced in our country, and by a proper regulation of the tariff, to place the American manufacturer beyond the reach of foreign combination, which may be formed to paralyze his energies and efforts, and to enable him successfully to compete in the American market, with the European capitalists; and whereas our experience of the advantages resulting from the limited protection afforded to the manufacturers of cotton, has not only tested the soundness of the principles and correctness of the policy upon which the measure was predicated, but affords unequivocal evidence of the expediency and necessity of such a further revision of the tariff, as will ensure adequate protection to the culture of hemp, the growth of wool, and the manufacture of woollens. And whereas, we believe the future interests and prosperity of the western country, are particularly involved in the success of a measure, which is dictated by policy and duty, has been tested by experience, and is demanded by our situation and necessities. Therefore,

Resolved, That our Senators in Congress be instructed, and our Representatives specially requested, to use every reasonable effort, to restrain the importation of hemp,

raw wool and woollens, and to afford full and ample protection, and encouragement to all articles of American growth and manufacture, and to give their united aid and co-operation to those of our sister states, who encourage a national system of domestic manufactures and internal improvements.

CHAPTER CIV.

A joint resolution relative to the navigation of the Wabash river.

[APPROVED, JANUARY 24, 1828.]

Resolved by the General Assembly of the state of Indiana, That his Excellency the Governor be, and he is hereby authorized and requested to apply to the secretary of War of the United States, and procure a corps of engineers to make a survey of the river Wabash, from that point where the canal to connect that river with the navigable waters of Lake Erie commences, to the mouth of said river, with instructions to examine and report as to the practicability, best manner, and probable expense of improving the same.

Resolved, That his Excellency the Governor, be requested to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing resolution, as soon as practicable, and request their co-operation in attaining the object of the same.

CHAPTER CV.

To the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the General Assembly of the state of Indiana, respectfully represents, that the system of internal improvement, adopted by the Congress of the United States, is viewed by the Legislature, and the people of Indiana, with intense interest, which its intimate connection with the prosperity of this state and of the union, is so well calculated to excite, they beg leave to invite the consideration of your honorable body to one of the most prominent works in this system, viz: The Cumberland

road. With much satisfaction your memorialists have viewed the permanent location of this great national thoroughfare through the state of Indiana, they vie with their sister states of the west in desiring its speedy completion. Preparatory however, to this, your memorialists respectfully recommend, at an early period, the removal of the timber on it, as a measure calculated to render its completion far less expensive than they are persuaded it will otherwise be found. This they believe might be done at a small expense, forming no comparison with the numerous advantages expected to arise.

These advantages however, are so apparent, they conceive it unnecessary to give them in detail, but they cannot refrain from an expression of the opinion, that the vast tracts of vacant land along the line of the Cumberland road would be speedily entered and settled, because the proposed measure would offer inducements to enterprising purchasers; hence the public treasury would receive an augmentation of revenue, and the state of Indiana a great addition to her population. Your memorialists, therefore, respectfully submit the subject to the consideration of Congress, and request an appropriation of money, to be applied under the authority of the general government, commensurate with the object in view.

Resolved by the General Assembly of the state of Indiana, That his Excellency the Governor be requested to transmit a copy of the foregoing memorial to each of our Senators and Representatives in Congress, and to the President of the Senate, and the Speaker of the House of Representatives.—[Approved, January 16, 1828.]

INDIANA, to wit:

I, WILLIAM W. WICK, Secretary of State, certify that I have compared the foregoing Acts and Joint Resolutions of the General Assembly of the State aforesaid, as printed above, with the original rolls on file, and have found the same correct, with the exception of the words included in brackets [thus] which words are interpolated by the printer to explain the sense, and make the same more complete.

In testimony whereof, I have hereunto set my hand and affixed my seal, at the Secretary's Office in Indianapolis, the 1st day of March in the year of our Lord, 1823; the twelfth year of the state, and of the Independence of the United States, the fifty-second,

WM. W. WICK,

POTAWATAMIE TREATY.

ARTICLE 2.

As an evidence of the attachment which the Potawatamie tribe feel towards the American people, and particularly to the soil of Indiana, and with a view to demonstrate their liberality, and benefit themselves by creating facilities for travelling and increasing the value of their remaining country, the said tribe do hereby cede to the United States, a strip of land, commencing at Lake Michigan, and running thence on the Wabash river, one hundred feet wide, for a road, and also, one section of good land contiguous to the said road, for each mile of the same, and also for each mile of a road from the termination thereof, through Indianapolis to the Ohio river, for the purpose of making a road aforesaid from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river. And the General Assembly of the state of Indiana shall have a right to locate the said road, and to apply the said sections, or the proceeds thereof, to the making of the same, or any part thereof; and the said grant shall be at their sole disposal.

An act to authorize the State of Indiana to locate and make a road therein named.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the General Assembly of the State of Indiana shall be, and the same are hereby, authorized to locate and make a road from Lake Michigan, by the way of Indianapolis, to some convenient point on the Ohio river, agreeably to the second article of a treaty made and concluded near the mouth of the Mississinowa, upon the Wabash, in the state of Indiana, the sixteenth day of October, in the year of our Lord one thousand eight hundred and twenty-six, between the Commissioners on the part of the United States, and the Chiefs and warriors of the Potawatamie tribe of Indians; and the said General Assembly are hereby authorized to apply the strip of land and the sections of land, by said article, ceded to the United States, or the proceeds thereof, to the making of the same; and the said grant shall be at their sole disposal.

[Approved, 2d March, 1827.]

An act to grant a certain quantity of land to the state of Indiana, for the purpose of aiding said State in opening a Canal to connect the waters of the Wabash river with those of Lake Erie.

Sec. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there be, and hereby is, granted to the State of Indiana, for the purpose of aiding the said state in opening a canal to unite at navigable points the waters of the Wabash river with those of Lake Erie, a quantity of land equal to one half of five sections in width, on each side of said canal, and reserving each alternate section to the United States, to be selected by the Commissioner of the Land office, under the direction of the President of the United States, from one end thereof to the other; and the said lands shall be subject to the disposal of the Legislature of said state, for the purpose aforesaid, and no other: *Provided,* That the said canal, when completed, shall be, and forever remain, a public highway for the use of the Government of the United States, free from any toll, or other charge, whatever, for any property of the United States, or persons in their service, passing through the same: *Provided,* That said canal shall be commenced within five years, and completed in twenty years, or the State shall be bound to pay to the United States the amount of any lands previously sold, and that the title to purchasers under the state shall be valid.

Sec. 2. *And be it further enacted,* That so soon as the route of the said canal shall be located and agreed on by the said state, it shall be the duty of the Governor thereof, or such other person or persons as may have been, or shall hereafter be, authorized to superintend the construction of said canal, to examine and ascertain the particular lands to which the said state will be entitled under the provisions of this act, and report the same to the Secretary of the Treasury of the United States.

Sec. 3. *And be it further enacted,* That the said State, under authority of the Legislature thereof, after the selection shall have been so made, shall have power to sell and convey the whole, or any part of the said land, and to give a title, in fee simple, therefor, to whomsoever shall purchase the whole or any part thereof.

[Approved, 2d March, 1827.]

TREASURY DEPARTMENT, DECEMBER 6th, 1827.

IN obedience to the directions of the "act concerning the Auditor of Public Accounts, and the Treasurer of State," the following report of receipts and expenditures is respectfully submitted:

Cash on hand, December 1st, 1826, \$5,815 55

Receipts from that time to the 1st Dec. 1827, inclusive:

From the assessments of 1822,	\$189 84
" " 1823,	29 84
" " 1824,	18 37
" " 1826,	30,770 77
" " 1827,	2,382 06

Assessments by collectors not previously reported to Auditor, 100 35

Penalty from collector of Bartholomew for 1822, 30 16

From E. Denny, superintendent Rock lick 292 50

From sales of lots in Indianapolis, 3,345 49

From Seminary lands in Monroe, 7,645 00

From sales of lands in Gibson, 90 00

From rents, 62 00

From fines on persons conscientiously scrupulous of bearing arms, 344 50

From late Treasurer, 1,160 00

Incidental payments, 85 00

46,545 88

Total,

52,361 43

Expenditures during the period above mentioned:

For public printing, 1,408 22

For interest on treasury notes, 6 54

For interest on seminary funds paid to president of trustees of state seminary, 387 81

394 35

For contingent expenses, 216 28

For expenses of last Legislature:

Pay and mileage of members, 9,982 00

Pay of clerks, doorkeepers and sergeant at arms, 1,548 70

Distributing laws and journals, 142 00

Legislative appropriations for binding books in Secretary's office, of which \$20 were refunded for error and credit in the incidental payments, 267 50

11,940 20

TREASURER'S REPORT.

For state library and librarian's salary,	51 50	
<i>Specific appropriations:</i>		
For making tract books and copies,	1,144 00	
For special allowances,	962 54	
	2,108 54	
	226 57	
For stationary for last Legislature,		
For seat of Government:	100 00	
Agents salary,	22 15	
Balance for building the Court House,	51 95	
Treasurer's per centum for two years,	4000 00	
For building Governor's House,		4,174 10
Salaries of the Adjutant and Quarter-master Generals,	125 00	
Salaries of the Executive Officers,	2,097 20	
Salaries of the Judiciary,	6,409 81	
Salaries of the Circuit Prosecutors,	312 20	
Balance of state debt to U. S. assignees of Vincennes Bank,	2,435 12	
Treasury notes burnt,	41 00	
For killing wolves,	51 50	
To E. Denny, superintendent of Rock lick section,	130 60	
	33,208 19	
Total expenditures,		19,153 24
Leaving a balance in the treasury of		
<i>The following items constitute the state debt:</i>		
Due to the Seminary fund,	10,093 96	
Due to the road and canal fund,	5,000 00	
Interest on same,	2,075 00	
Outstanding warrant to A. Campbell,	50 00	
Treasury notes in circulation,	169 00	
Executive claims not audited,	250 00	
Judiciary,	375 00	
Circuit Prosecutors,	187 50	
		18,700 46
Making a balance in the treasury after paying all the debts of the state, of	452 78	
The payments yet to be made from the assessments of 1827, may be estimated at	23,500 00	
From balances of former years,	3,000 00	
		\$26,952 78
Making in all, the sum of		
Estimated to be sufficient for the ordinary expenses of the current year.		
By the report of James Borland, esq. commissioner of the Seminary		

township in Monroe, made to this office, it appears that on the first of October last, there were sold of the lands of said township, one hundred and twenty-one quarter sections, for the sum of \$23,003 96 1-2; of which there has been received the sum of \$6,830 24 1-2; leaving unpaid, \$16,173 72. The interest paid in advance for the sum due, is \$970 38 1-2; which sums, after deducting the commissioners' per centum, have been paid at the treasury.

Respectfully submitted,

SAMUEL MERRILL.

AUDITOR'S OFFICE;
DECEMBER 6th, 1827.

IN compliance with the requisitions of an act, concerning the Auditor of Public Accounts, and the Treasurer of State, the following report is respectfully submitted.

There was remaining in the Treasurer's hands on the 3d December, 1826, as per former report, provided all claims audited to that date have been paid,

5,714 33

Since the above period, to the 1st December, 1827, there has been received on account of balances due for the years 1822, 1823 and 1824,

238 05

From collectors of revenue, for the year 1826,

30,770 77

for the year 1827,

2,382 06

For unlisted lands as reported by Treasurer,

100 35

Penalty for the delay of payment by the collector of Bartholomew county, for the year 1822,

30 16

From superintendent of Rock lick section,

292 50

B. I. Blythe, agent of state, for the town of Indianapolis,

3,345 49

Paymasters of the 8th, 9th, 17th, 37th, 40th, 42d and 47th Regiments, for conscientious fines,

344 50

Sale of Seminary lands in Monroe county,

7,645 00

" " Gibson county,

90 00

Rents,

62 00

From the late Treasurer,

1,160 00

Incidental payments,

85 00

\$52,260 21

Since the above period there has been audited on account of transporting convicts to the State Prison,

588 00

Salaries of Prosecuting Attornies,

812 20

Judiciary Department,

6,409 81

Executive Department,

2,097 20

Interest on treasury notes and Seminary fund,

394 35

Expenses of the last General Assembly, including the pay of members, clerks, doorkeepers, sergeant at arms, distributing laws, and specific appropriations for State Library,

11,991 70

On account of specific appropriations,	2,333 11
Public printing,	1,408 22
Salary of Agent of state for Indianapolis, balance	
due on court house, and building Governor's house,	4,174 10
On account of salaries of Adjutant and Quartermaster General's,	125 00
Wolf scalps,	51 50
Liquidation of the debt due from the state to the U. S.	2,435 12
Treasury notes burnt,	41 00
Contingent expenses for the year 1827,	216 28
E. Denny, superintendent of Rock lick section,	60 00

\$33,137 59

Total,
Which deducted from \$52,200 21, leaves a balance
in the Treasury on the first of December, 1827, of \$19,122 62
The assessments for all the counties in the state, for
the year 1827, except Delaware and Warren, amounts
to 32,662 14

Of which it is estimated, after deducting commissions
for collecting delinquencies, &c. there will be paid into
the Treasury 26,000 000

The number of polls in all the counties in the state
except the two above named, and Clay, Fayette and
Henry, from which the number is not returned, is 39,868

From unlisted polls and lands assessed by collectors
and returned to this office, there is from the following
counties for the year 1827, the sum of, to-wit:

From Daviess,	\$18 14
" Gibson,	9 97
" Floyd,	6 85
" Greene,	1 35
" Crawford,	5 51
" Pike,	75
" Knox,	26 66
" Sullivan,	3 86
" Fountain,	5 62
" Lawrence,	69 98

Total amount returned to this office, \$154 19

An equal amount with the above may be expected to
be returned from the counties which have not yet set-
tled with the Treasurer, which sum of revenue from
this source, amounts to 303 38

Out standing balances against collectors since the
commencement of the state government, a large part
of which may be considered as lost, 10,979 32

All of which is respectfully submitted,

WM. H. LILLY, Aud. Pub. Accounts.

INDEX TO THE ACTS.

APPRENTICES.

PAGE.

Chap. 1. An act to amend an act entitled an act respecting
apprentices 3

APPROPRIATIONS.

Chap. 2. An act making an appropriation for the completion
of the House for the Executive of state, and for other purposes 3

Chap. 3. An act making general appropriations for the year
1828 4

Chap. 4. An act making specific appropriations for the year
1828

ATTORNEYS, &C.

Chap. 5. An act supplemental to an act, entitled an act regu-
lating the admission and practice of Attorneys and Counsellors
at law 8

AUDITOR AND TREASURER.

Chap. 6. An act to amend the act concerning the Auditor of
Public Accounts and Treasurer of State 9

CANAL.

Chap. 7. An act to establish a Canal to connect the navigable
waters of the Wabash river, with the navigable waters of the
Miami of Lake Erie 10

COUNTY BOUNDARIES.

Chap. 8. An act to attach a portion of vacant territory, lying
adjoining to the county of Floyd, to said county 12

Chap. 9. An act establishing the boundary line of Decatur
county 13

Chap. 10. An act to attach certain territory to the counties
therein named 13

Chap. 11. An act to attach certain territory to the counties
therein named 15

Chap. 12. An act to provide for the relocation of the seat of
justice of Martin county, and extending the boundaries thereof 16

COUNTY BUSINESS.

Chap. 13. An act supplemental to an act, entitled an act chang-
ing the mode of doing county business in certain counties there-
in named, approved, January 26, 1827 18

COUNTIES NEW.

Chap. 14. An act supplemental to an act to provide for car-
rying the laws into effect in new counties 19

Chap. 15. An act to organize the county of Hancock 19

U

Chap. 16. An act for the formation of the county of Carroll	21
CONVENTION.	
Chap. 17. An act to authorize the qualified voters of this state to vote for or against a convention for a revision of the constitution of this state	22
COURTS CIRCUIT.	
Chap. 18. An act to amend the several acts regulating the judicial circuits, and fixing the times of holding courts therein	23
DIVORCES.	
Chap. 19. An act to divorce Sarah Pettingell from her husband James Pettingell	25
Chap. 20. An act to divorce Nancy Maddox from her husband David T. Maddox	25
Chap. 21. An act to dissolve the banns of matrimony between John C. Brown and Polly Brown his wife	26
Chap. 22. An act to divorce Elizabeth and Reuben Stout	26
Chap. 23. An act to divorce certain persons therein named	26
ELECTORS OF PRESIDENT, &c.	
Chap. 24. An act to amend an act, entitled an act to provide for the election of electors, of President and Vice President of the United States	27
Chap. 25. An act supplemental to an act, entitled an act, to amend an act, entitled an act to provide for the election of electors of President and Vice President of the United States, approved, January 27, 1828	27
ESTRAVS, &c.	
Chap. 26. An act to extend an act, entitled an act to provide for recording brands, ear marks, and for posting estrays, in the counties therein named, and for other purposes; approved, January 24, 1827	28
HABEAS CORPUS.	
Chap. 27. An act respecting the mode of suing out and prosecuting writs of habeas corpus	28
INCORPORATION.	
Chap. 28. An act to incorporate the town of Corydon, in Harrison county	29
Chap. 29. An act to incorporate the Franklin Cotton Manufacturing Company, and the White Water Manufacturing Company	35
Chap. 30. An act to amend the act entitled an act to incorporate the town of Charlestown, in the county of Clark	39
Chap. 31. An act to incorporate the Montezuma Agricultural and Domestic Manufacturing Association	39
Chap. 32. An act to incorporate the Indianapolis Steam Mill Company	41
Chap. 33. An act to amend the act entitled an act providing for the incorporation of towns; approved, January 30, 1824	44
Chap. 34. An act authorizing the inhabitants of Congressional township numbered eleven, north range numbered nine, west, to incorporate themselves according to the provisions of the act of 1824	45

Chap. 35. An act supplementary to an act entitled an act providing for the incorporation of towns, approved, January 30, 1824, in aid of the trustees and corporation of the town of New Albany	45
Chap. 36. An act to incorporate the Indianapolis and White Water Turnpike Company	47
LEGALIZING PROVISION.	
Chap. 37. An act legalizing the proceedings of the board of county commissioners of Shelby county	56
LIBRARIES.	
Chap. 38. An act to dissolve the Connersville Library Association	56
Chap. 39. An act to amend an act entitled an act to establish a state Library, approved, February 11, 1825	57
MILITIA.	
Chap. 40. An act to amend the act entitled an act to regulate the Militia of the state of Indiana, approved, January 20, 1824	58
MILLS AND MILLERS.	
Chap. 41. An act to amend the law regulating grist mills and millers	61
NAVIGATION.	
Chap. 42. An act supplemental to an act declaring Blue river a public highway	61
Chap. 43. An act to improve the navigation of certain rivers in this state	62
PARTITION.	
Chap. 44. An act to amend an act entitled an act to provide for the partition of real estate, approved, January 2, 1824	65
PARTNERSHIP.	
Chap. 45. An act relative to limited partnerships	66
POOR.	
Chap. 46. An act amendatory of the act for the relief of the poor, approved, January 30, 1824	68
Chap. 47. An act relative to the Knox county Poor House	69
PROBATE.	
Chap. 48. An act to amend an act entitled an act amendatory of the law, and for the better advancement of justice, approved January 20, 1826	70
PRINTING.	
Chap. 49. An act to provide for printing and distributing the laws and journals of the present session	71
Chap. 50. An act to provide for the purchase of stationery for the use of the General Assembly, and also for the public printing	72
RELIEF.	
Chap. 51. An act for the benefit of Peter Charley, Elijah Hurst and John Watkins, late trustees for congressional township numbered three, south, and range numbered four, east, in the Jeffersonville district	72
Chap. 52. An act for the benefit of Henry Markle	73
Chap. 53. An act for the relief of Caleb Harrison	73

Chap. 54. An act for the relief of Joseph Campbell	74
Chap. 55. An act for the relief of Robert Martin	74
Chap. 56. An act for the relief of Thomas Wyatt	75
Chap. 57. An act for the relief of William Williams and Jesse Gifford	75
Chap. 58. An act for the relief of purchasers of lots in the town of Indianapolis, which have become forfeited to the state	76
Chap. 59. An act for the relief of John Spencer, collector of Dearborn county, and for other purposes	76
Chap. 60. An act for the benefit of the devisees of Thomas Watts deceased	77
Chap. 61. An act to revive an act, entitled an act for the relief of such persons as have suffered, or may hereafter suffer by the destruction of the records of the county of Knox, which were consumed by fire at Vincennes, in the year 1814, passed 7th September, 1814	78
Chap. 62. An act to amend an act, entitled an act for the benefit of persons who have, or are likely to suffer by the destruction of the records of Dearborn county, which were consumed by fire in the court house at Lawrenceburgh, on the morning of the 6th of March, 1826; approved, January 11, 1827	79
RETAILING.	
Chap. 63. An act to authorize persons to retail spiritous liquors without the requisitions of a tavern keeper	79
REVENUE.	
Chap. 64. An act to amend the several acts now in force in this state relative to assessing and collecting the revenue	80
Chap. 65. An act respecting the state and county revenue of the county of Clay, for the year 1826	82
Chap. 66. An act providing for the repayment of certain moneys to the county of Delaware	84
ROADS.	
Chap. 67. An act to establish a state road from Carlisle, in Sullivan county, to Spencer, in Owen county	84
Chap. 68. An act to establish a state road from Shelbyville, to intersect the Madison state road in the county of Jennings	85
Chap. 69. An act to establish a state road from New Castle in Henry county, to Lafayette in Tippecanoe county	86
Chap. 70. An act to provide for surveying and marking a road from Lake Michigan to Indianapolis	87
Chap. 71. An act to establish a state road from Leavenworth, via Bono, to Indianapolis, and for other purposes	89
Chap. 72. An act to amend an act, entitled an act to establish a state road from Terre Haute to Fort Wayne	91
Chap. 73. An act for locating and opening a state road from the Ohio river, opposite the Yellow Banks, in Kentucky to Princeton	92
Chap. 74. An act to establish a state road from Indianapolis, via Danville and Rockville to Montezuma	93

Chap. 75. An act to establish a levee, to preserve the road leading from Vincennes, through the lower prairie, near to the Wabash river.	94
Chap. 76. An act to locate and open a state road from Crawfordsville, in Montgomery county, to Indianapolis.	96
Chap. 77. An act for opening and repairing public roads and highways.	97
SALINES.	
Chap. 78. An act authorizing the leasing of Royce's Lick and Rock Lick reserves, in the county of Washington.	110
SCHOOLS AND SCHOOL SECTIONS.	
Chap. 79. An act supplemental to the act entitled an act, to establish a Board of Trustees for the promotion of schools in Clark's grant.	111
Chap. 80. An act to enable the inhabitants of the Congressional townships in the several counties in this state, to express their assent or dissent to the sale of the sixteenth section in their respective townships.	112
Chap. 81. An act to authorize the leasing of section sixteen, in township numbered 15, North of Range numbered 7 East, in Hancock county, and for other purposes.	114
SEMINARIES AND SEMINARY FUNDS.	
Chap. 82. An act to establish a College in the State of Indiana.	115
Chap. 83. An act for the benefit of the Gibson county Seminary.	120
Chap. 84. An act to provide for the government of the Seminary of Knox county.	121
Chap. 85. An act making further provision for the sale of the Seminary townships of land in the counties of Gibson and Monroe, and for other purposes.	123
Chap. 86. An act respecting a county Seminary, and the Seminary funds of the county of Switzerland.	124
Chap. 87. An act to authorize the loaning of the Seminary funds.	127
Chap. 87. An act to amend an act entitled an act to establish county seminaries in the several counties therein named, approved, January 26, 1827.	130
SURVEYORS.	
Chap. 89. An act supplementary to an act entitled an act for the appointment of county Surveyors and their deputies.	138
TOWNS.	
Chap. 90. An act vacating the town of Greenfield, in the county of Vigo.	138
Chap. 91. An act to authorize the board of justices of Wayne county, to sell a part of the public square in the town of Centreville.	133

JOINT RESOLUTIONS.

- Chap. 92. A joint resolution requiring certain duties to be performed by the Agent of state for the town of Indianapolis. 135
- Chap. 93. A joint resolution respecting certain lots in the town of Indianapolis. 136
- Chap. 94. A joint resolution of the General Assembly of the state of Indiana, authorizing the Treasurer of state to purchase a book, and make certain records therein. 136
- Chap. 95. A joint resolution to provide the Wabash and Miami canal commissioners with a copy of Strickland's reports. 137
- Chap. 96. A joint resolution of the General Assembly, relative to the western mail route, from Louisville in Kentucky, to St. Louis in Missouri. 137
- Chap. 97. A joint resolution relative to the northern boundary of the state of Indiana. 138
- Chap. 98. A joint resolution and communication of the General Assembly of the state of Indiana, to the General Assembly of the state of Ohio, on the subject of connecting the waters of the Wabash river, with those of Lake Erie. 138
- Chap. 99. A joint resolution of the General Assembly, (requiring part of the Potawatamie treaty, and certain acts of Congress to be printed.) 139
- Chap. 100. A joint resolution respecting the office of the Clerk of the district court of the United States, for the district of Indiana. 140
- Chap. 101. A joint resolution of the General Assembly, relative to purchasers of public lands. 141
- Chap. 102. A joint resolution relative to the procuring of a complete set of the journals of Congress, and other public documents. 142
- Chap. 103. A joint resolution of the General Assembly of the state of Indiana, on the subject of internal improvement and domestic manufactures. 143
- Chap. 104. A joint resolution relative to the navigation of the Wabash river. 144
- Chap. 105. A memorial and joint resolution on the subject of the National Road. 144

INDEX.

	PAGE.
APPRENTICES.	
Complaints in favor of to be made on oath, and the mode of proceeding thereon.—See Poor.	3
APPROPRIATIONS.	
For completing the Governor's house,	3
General for the year 1828,	4
Specific for the year 1828—See Library, Militia, Navigation.	5
ATTORNEYS AND COUNSELLORS.	
Collecting and refusing to pay over money may be disbarred,	8
May be restored by the courts.	9
AUDITOR AND TREASURER.	
Time for auditing and paying claims by them fixed,	9
To audit and pay fractional quarters.	10
See Appropriation, Library, Militia, Navigation, Printing.	
BRIDGES.—See Roads.	
CANAL, WABASH AND MIAMI.	
Donation for making accepted,	10
Commissioners to be elected and qualified,	ib
Commissioners to be furnished with engineer's reports and other documents,	11
Commissioners, their duties and compensation,	ib
CLERKS.—See Revenue, Roads, Seminaries.	
COLLECTORS.—See Revenue, Roads.	
COLLEGE.—See Seminaries.	
COUNTY BOUNDARIES.	
Of Floyd extended,	12
Of Decatur established and described,	13
Of Hendricks extended,	ib
Of Tippecanoe extended,	14
Of Carroll extended,	ib
Of Delaware extended,	ib
Of Tippecanoe and Carroll extended for the purposes of jurisdiction,	ib
Of Jackson extended,	15
Of Monroe extended,	ib
Of Bartholomew extended,	ib
Of Martin extended and provision for relocating the seat of justice.—See Counties new.	16
COUNTY BUSINESS.	
In certain counties, township officers to be appointed on failure to elect,	18
Time fixed for the meeting of commissioners,	ib

COUNTIES NEW.

- Mode of deciding contested elections in 19
 Organization of Hancock provided for, ib
 Organization of Carroll and boundaries thereof, 21
 [See Printing.]

CONVENTION.

- Mode prescribed by which to ascertain the will of the people respecting, 22

COURTS, CIRCUIT.

- Times of holding in the 5th circuit fixed, 23
 Times of holding in part of the 1st circuit, 24
 Times of holding in Scott, ib
 Times of holding in Delaware, ib
 Times of holding in Carroll, ib

DIVORCES GRANTED.

- To Sarah Pattengill and husband, 25
 To Nancy Maddox and husband, ib
 To John C. Brown and wife, 26
 To Elizabeth Stout and husband, ib
 To Margaret Corbin and husband, ib
 To Sally Rose and husband, ib

ELECTORS OF PRESIDENT &c.

- State divided into five electoral districts, 27
 Clay county attached to first district, ib

ELECTIONS.—See Counties new, Convention, Electors.

ESTRAYS, MARKS, &c.

- Special provisions respecting, extended to Ripley county, 28

HABEAS CORPUS.

- Writs of, to issue upon petition sworn to, ib
 Duty of the judge upon return thereof, 29
 Penalty for refusing to grant or obey.

INCORPORATION.

- Of the town of Corydon, 29—34
 Of the Franklin and White Water manufacturing companies, 35
 Of the town of Charlestown, 39
 Of the Montezuma manufacturing association, ib
 Of the Indianapolis steam mill company, 41
 Of towns, act respecting extended to enable collectors to sell real estate for taxes subject to redemption, 44
 Of inhabitants of T. 11 N. R. 9 W., 45
 Of Albany extended, ib
 Of the Indianapolis and White Water turnpike company 47—55

JURISDICTION.—See County boundaries.

LEGALIZING PROVISION.

- In favor of the proceedings of the commissioners of Shelby, 56
 [See Probate.]

LIBRARY.

- Association of Connersville to be dissolved and the mode, ib

LIBRARY, STATE.

- Commissioners empowered to procure certain books and to have pamphlets bound, 57
 Commissioners empowered to make rules, ib

LICENSE.—See Attorneys, Retailing.

LOAN OFFICE.—See Seminaries.

MARKS.—See Estrays.

MILITIA.

- Amount of public arms belonging to, how ascertained, 58
 The officer failing to return the same to be arrested and tried by court martial, ib
 Fines assessed against such delinquent officers to be collected by the sheriff, ib
 Governor to receive public arms, and distribute the same to commandants of divisions, 59
 Commandants of divisions to distribute public arms to their commands, taking vouchers, ib
 Persons receiving public arms to be accountable, ib
 Commandants of regiments responsible for the safe keeping of ordnance and ordnance stores, ib
 Non-commissioned officers (except first sergeants,) exempt from attending regimental drill musters, ib
 Militia of Hancock county to be trained in said county only by the Colonel of the 39th regiment, ib
 Boundary between the 7th and 16th regiments defined, ib
 Provision for publishing militia laws separately, 60
 Officers failing to collect militia fines to be liable to a forfeiture of six per cent., ib
 Paymasters to be allowed 5 cents per mile by treasurer of state for travelling to pay militia equivalents, ib
 Number and times of regimental and company musters, ib
 Strength of companies to be returned at the April company muster, ib
 Notice of musters, courts, &c. to be given by captains at the April musters, ib
 [See Mills and Millers.]

MILLS AND MILLERS.

- Millers exempt from militia duty, 61
 Millers to be liable for lost marked bags only, ib
 Millers owning horse mills and mills with inclined wheels to be governed as other millers, but may demand higher toll in a certain case, ib

NAVIGATION.

- Further provisions for improving the navigation of Blue river, 61
 Appropriation for improving the navigation of the east and west forks of White river, 62
 Appropriation for improving the navigation of Patoka, Laughery, Wabash and Blue river, 62—6

Commissioners appointed to execute bonds,	63
Mode of suing on said bonds,	ib
Money appropriated, how and when paid out by the treasurer of state,	ib
Duties of the commissioners,	64
May be sued on their bond by prosecuting attorney,	ib
Vacancies of commissioners how filled,	ib
Compensation of the commissioners.	65

PARTITION.

Commissioners reporting partition of estate impossible without injury, the land may be sold,	65
Further provisions on the subject.	ib

PARTNERSHIPS.

Limited provided for, and to consist of general and special partners, which general partners are to be bound by pre-existing laws—the special partners to be liable only to the extent of funds invested,	70
Names of special partners not to be used in business,	ib
Mode of establishing limited partnerships,	ib
Conveyances and transfers made by partnerships or members thereof, so judgments confessed and liens created in contemplation of bankruptcy declared void,	67
Dividends of profits when and how made,	ib
Suits to be prosecuted and defended in the name of the general partners only,	68
Terms of partnerships to be published in a newspaper.	ib

PENALTY.—See Attorneys, Habeas Corpus, Revenue, Roads.

POOR.

Overseers of to put out apprentices by indenture, and record the same,	68
Prosecuting attorney to conduct suits on behalf of apprentices bound out by overseers,	69
House for in Knox county to be sold, and the avails paid in to the county treasury.	ib

PROBATE.

Courts may sanction the appointment (in a will,) of the same person as executor and guardian,	70
Court to keep a docket of letters testamentary, &c. noted,	ib
Court may issue citations and attachments,	ib
Suits may be brought against administrators, &c. before final settlement with the court of	ib
Certain proceedings of the courts of legalized,	ib
Times of holding courts of in Green and Owen.	71

PRINTING AND STATIONARY.

Number of copies of the laws and journals to be printed,	71
How to be distributed,	ib
Revised codes to be distributed to new counties,	ib
Laws to be bound,	72
Treasurer to purchase stationary for public printing and for General Assembly.	ib

RELIEF.

Of Peter Charley, Elijah Hurst and John Watkins,	72
Of Henry Markle,	73
Of Caleb Harrison,	ib
Of Joseph Campbell,	74
Of Robert Martin,	ib
Of Thomas Wyatt,	75
Of William Williams and Jesse Gifford,	ib
Of the purchasers of lots in the town of Indianapolis,	76
Of John Spencer,	ib
Of Watts' devisees,	77
Of persons suffering from the destruction of the Knox county records,	78
Of persons suffering by destruction of records of Dearborn county,	79

RETAILERS OF SPIRITS.

May be licensed without qualifying as tavern keepers,	79
Mode of obtaining license and the tax thereon,	80
Shall not recover for more than one dollar credit.	ib

REVENUE.

Collectors to be appointed at the May session,	81
Clerks to calculate and carry out the amount of on the listers books.	ib
Lists to be corrected by the board,	ib
Lands may be re-sold in certain cases for taxes,	ib
Certain persons exempt from poll tax,	82
State property exempt from taxation,	ib
Provision for collecting the revenue for Clay county for the year 1826,	ib
Provision for the re-payment of the revenue of Delaware county for 1827, improperly collected by Randolph.	84

ROADS.

From Carlisle to Spencer,	84
From Shelbyville to intersect the Madison state road in Jennings county,	85
From New Castle to Lafayette,	86
From Lake Michigan to Indianapolis,	87
From Leavenworth to Indianapolis,	89
From Terre-Haute to Fort Wayne,	91
From the Ohio, opposite the Yellow Banks, to Princeton,	92
From Indianapolis to Montezuma,	93
From Vincennes, through the lower prairie, to the Wabash, to be preserved by a levee,	95
From Crawfordsville to Indianapolis.	96

ROADS AND HIGHWAYS.

Courts doing county business shall have power to lay out, open and vacate,	97
Persons applying for to give notice of their intention by advertisement in two places in the township thirty days.	ib
Application for to be made by petition of 12 freeholders, viewers of to be appointed, and their duties,	ib

Mode of assessing damages in favor of persons injured by the location and opening of	98
Revenue of to be granted on objection made,	99
Mode of changing the route of roads already established,	ib
Mode of changing the route of state roads,	100
Mode of vacating roads already established,	ib
Each person to work 2 days for personal privilege,	102
For land, one half the amount of state tax thereon,	ib
Clerks to furnish supervisors with list of resident land owners, and to note the amount of the road tax of non-residents upon the revenue duplicate,	103
Persons failing to appear to work after three days notice, or refusing to obey the supervisor, to pay 50 cents per day,	ib
Persons furnishing team to be credited for three days,	ib
Penalty against supervisors neglecting to repair,	104
Supervisors how appointed and their duties,	ib
Districts how established,	ib
Supervisors empowered to enter on land, open ditches, make dams and keep the same in repair,	105
Penalty for stopping such ditches, &c.	ib
Supervisors may cut timber, take stone on lands adjoining roads,	ib
Remedy for persons aggrieved by the taking thereof,	ib
Mode of establishing cartways,	106
Mode of changing cartways,	ib
Supervisors to keep up finger boards at the forks of roads,	ib
Penalty for defacing the same,	ib
Penalty for obstructing roads, and for continuing such obstruction,	107
Owners of plantations to remove obstructions happening adjoining to the said plantations or within the same,	107
Mode of erecting bridges by contract,	ib
Bridges may be built under authority of the county court, by individuals with the same rights which are now enjoyed by keepers of ferries,	108
County revenue may be applied to building bridges,	ib
Mode of enforcing non-residents' road tax.	109
SALINES.	
Superintendent for Royce's lick appointed,	110
His powers and duties,	ib
Vacancy in the office how filled,	ib
Compensation to the superintendent,	111
SCHOOLS AND SCHOOL SECTIONS.	
Vacancy in the office of district trustee in Clark's how to be filled,	111
Provision for selling school sections,	112
Extended lease of sec. 16, T. 15, in Hancock authorized,	114
SEMINARIES AND SEMINARY FUNDS.	
Charter of the "Indiana College,"	115—19
Revenue for the support of the Gibson county seminary to be raised,	120

Mode of raising the same,	120
Government of Knox county Seminary,	121
Further sale of the Seminary townships provided for	123
Trustees named for the Seminary of Switzerland county and their powers and duties,	124
Loan Office established to loan the Seminary funds under the control of the Treasurer,	127
Treasurer shall enter into bond,	ib
His duties as superintendent to loan the funds upon mortgage	128
To appoint comm'rs to value lands offered in mortgage,	ib
Form and effect of such mortgages,	129
Funds to be loaned for not more than five years,	ib
Mode of enforcing payment of loans,	ib
Treasurer to report the names of borrowers and of the amounts borrowed,	130
Interest to be paid to the Indiana College,	ib
Clerks to keep a record of proceedings relative to county Seminaries,	131
Officers to pay over fines, and report lists of fines which shall be recorded,	ib
Funds belonging to county Seminaries, in the county Seminaries may be drafted out,	ib
Penalty against officers failing to pay over fines collected by them,	132
SURVEYORS.	
Chain carriers employed to be sworn,	133
TOWNS.	
Greenfield vacated,	ib
Part of the public square in Centreville may be sold,	ib

